The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TUESDAY

Mr. ROBERT C. BYRD. Mr. President, it is not expected that there will be any yea-and-nay votes on Tuesday, October 23. There will be a period for the transaction of routine morning business after the two leaders or their designees have been recognized under the standing order. The period for routine morning business will not extend beyond 30 minutes, under the order, with statements therein limited to 3 minutes.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 23, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 54, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and at 2:13 p.m. the Senate adjourned until Tuesday, October 23, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate on October 17, 1973, pursuant to the order of October 16, 1973:

COUNCIL ON ENVIRONMENTAL QUALITY

Russell W. Peterson, of Delaware, to be a Member of the Council on Environmental Quality, vice Russell E. Train.

UNESCO SESSION REPRESENTATIVES

The following-named persons to be Representatives of the United States of America to the Third Extraordinary Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Roy D. Morey, of Maryland.
William B. Jones, of California.
Edward O. Sullivan, Jr., of New York.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Donley L. Brady, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1975, vice Daniel Parker, term expired.

DEPARTMENT OF JUSTICE

Charles H. Anderson, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years. (Reappointment.)

Leigh B. Hanes, Jr. of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years. (Reappointment.)

R. Jackson B. Smith, Jr., of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years. (Reappointment.)

William H. Stafford, Jr., of Florida, to be United States Attorney for the Northern District of Florida for the term of four years. (Reappointment.)

Executive nominations received by the Senate on October 18, 1973:

DEPARTMENT OF JUSTICE

Jack V. Richardson, of Kansas, to be United States Marshal for the District of Kansas for the term of four years. (Reappointment.)

Rex Walters, of Idaho, to be U.S. Marshal for the district of Idaho for the term of four years. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 18, 1973:

OLD WEST REGIONAL COMMISSION

Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission.

COUNCIL OF ECONOMIC ADVISERS

William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, October 18, 1973*

The House met at 12 o'clock noon.

Rev. Richard R. Madden, superior, Carmelite Monastery, Youngstown, Ohio, offered the following prayer:

Dear Lord, so many times we stand before You, as now, and say nothing. So many times, we praise You with our lips, while our minds are far from You. But at this moment, we beg You, hear us.

You have entrusted us with high dignity. You have made us the fond hope of our great land. Give us the wisdom to understand that we are only Your instruments—that You use our hands, our eyes, and our minds to accomplish Your will. And let us never forget that far more important than our own personal needs are the needs of our people, who have no one but us.

Help us know that you made an imperfect world deliberately, so that each one of us, by our integrity, by our strength, and by our love, might add our finest touch to Your great masterpiece. In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REDUCTION OF OIL PRODUCTION BY ARAB STATES CAN BE A TWO-WAY STREET

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the Arab oil states have turned to oil pressure diplomacy in their efforts to dictate our foreign policy. As we all know by now, they are going to reduce their oil production by 5 percent every month, with the reduction being imposed against oil shipments to the United States. They have taken this action because of our support of Israel in its continued struggle for survival.

Mr. Speaker, this amounts to an attempt to blackmail the United States—and we will not be blackmailed. Restrictions on exports can cut two ways. The Arab States are importers of many needed items and supplies from the United States. The President has the power and authority to curtail those exports from the United States. Accordingly, I am today introducing a House concurrent resolution expressing the sense of Congress on this matter which reads as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should curtail exports of goods, materials and technology to any nation that restricts the flow of oil to the United States in a quantity which is proportionate to the quantity of such restriction of oil.

I ask my colleagues in the House to cosponsor this resolution.

THE GREAT PROTEIN ROBBERY: NO. 10

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, on June 13, I introduced in the House, simultaneously with Senator WARREN G. MAGNUSON in the Senate, a bill, H.R. 8665, to extend U.S. fisheries jurisdiction over coastal species of fish out to 200 miles from our shores, and over anadromous fish—such as salmon. This jurisdiction would exist until international agreement is reached and implemented on extended fisheries jurisdiction. On June 29, I reintroduced my bill with 35 cosponsors. Today I am reintroducting the bill, this time with additional cosponsors.

We need urgently to establish immediate conservation measures to protect the marine resources in our coastal waters. Huge, government-subsidized fishing fleets from Russia, Poland, Japan, East Germany, and other nations are currently exploiting the fish stocks in the Northwest Atlantic at such a rate as to

guarantee virtual depletion long before any international agreements on fish management and conservation seem likely to be reached. We must control the massive foreign fishing in our coastal waters and establish sensible harvesting procedures in order to allow the fish stocks to replenish themselves and to guarantee a permanent source of protein for the people of the world.

My bill, H.R. 8665, would allow us to preserve our marine resources and stop the "great protein robbery" occurring right now off our shores.

THE NEED FOR A VICE-PRESIDENTIAL HOME

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I have long advocated providing a home in the Nation's Capital for the Vice President of the United States. The Vice President should have appropriate accommodations where he is readily accessible to the center of activity of our Federal Government and where he can be properly protected.

The need for a Vice-Presidential home is particularly obvious at this time. Within the last 6 months, the Federal Government has spent more than $140,000 at the home of former Vice President Agnew. These expenditures were made on the personal property of Mr. Agnew and will not inure to the benefit of his successor. Instead, the American taxpayer may again be subjected to underwriting large expenditures at still another Vice-Presidential residence.

Over 7 years ago, we in Congress passed a bill authorizing the construction of a Vice-Presidential home on the grounds of the Naval Observatory. I strongly urge the prompt appropriation of funds to carry out the provisions of that act or make other suitable arrangements so that the Vice President will be provided with a home suitable to his position and so that the American taxpayer will be spared the expense of hundreds of thousands of dollars on an unlimited number of privately owned homes of Vice Presidents in future years.

PERSONAL EXPLANATION

Mr. KLUCZYNSKI. Mr. Speaker, yesterday I was present in the House and voted "nay" on the Ashbrook amendment to the bill H.R. 9681. Emergency Petroleum Allocation Act of 1973. I was recorded as not voting.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CONGRESS OWES A FAIR CAMPAIGN FINANCE BILL TO THE PUBLIC

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, yesterday the board chairmen of two of the Nation's largest corporations pleaded guilty to making illegal contributions to President Nixon's reelection campaign.

More than anything else this illustrates the bankruptcy of our system of financing political campaigns. The system, as it is now structured, invites violations of the law—and solicitations to violate the law. It manufactures criminal actions.

Painful as it may have been, the heads of these corporations have done a public service by demonstrating the basic fallacies built into our present system of campaign finance. It shows how much we need a balanced and credible system to replace it. We need to consider realistic limits on campaign contributions and fair requirements for disclosure.

I am happy to note that the House Administration Committee has begun hearings on this important legislation, including some Senate-passed bills.

I think we in the House ought to support and encourage this work so that we can pass a fair and workable campaign finance bill by early next year at the latest.

This is one piece of legislation that the 93d Congress owes to the American people.

PADRES' ANGEL WITH A DIRTY FACE?

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, in line with what I said yesterday about the attempt of one Marje Everett to acquire the San Diego baseball team, there was an interesting article in the Washington Post this morning on the sports page by Shirley Povich, who called her an angel with a dirty face.

In his article he mentioned that she was a self-confessed bribe giver and that the only reason she is not in jail is because she plea bargained and got immunity, by then causing the former Governor of Illinois to be sentenced to the penitentiary.

I think the baseball owners might be well advised to realize that they are living under the immunity granted to them by the Congress on the antitrust legislation by their great protector, former Congressman Celler, when he was chairman of the Judiciary Committee. He is no longer here.

If they get a little more arrogant than they are, and they are already too arrogant, it is just possible that the Congress could repeal that protection and put them under the antitrust legislation, which would in turn destroy their reserve clause capabilities and prevent them from keeping baseball players in peonage and bondage.

Of course, Charlie Finley is one of the worst examples of these arrogant people who are clipping the public to their own benefit in this so-called national pastime.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED AND TRULY ENROLLED NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Tuesday, October 23, 1973, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. TAYLOR of Missouri. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 540]

Alexander	Dorn	Mathis, Ga.
Anderson, Ill.	Downing	Mills, Ark.
Andrews, N.C.	Eshleman	Mink
Andrews, N. Dak.	Findley	Mitchell, Md.
Bergland	Fraser	Obey
Biaggi	Fulton	Owens
Brown, Ohio	Fuqua	Parris
Burke, Calif.	Gibbons	Powell, Ohio
Burke, Fla.	Goldwater	Railsback
Carney, Ohio	Gray	Rees
Casey, Tex.	Grover	Reid
Chisholm	Gunter	Rooney, N.Y.
Clark	Guyer	Rooney, Pa.
Clausen, Don H.	Harrington	Sandman
Clay	Heckler, Mass.	Sullivan
Collins, Ill.	Hosmer	Talcott
Conyers	Johnson, Pa.	Thornton
Culver	Landrum	Ullman
de la Garza	Leggett	Vander Jagt
Dellums	Litton	Veysey
Derwinski	McClory	Young, Fla.
	McKay	Young, S.C.
	Maraziti	Zwach

The SPEAKER. On this rollcall 367 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, OCTOBER 19, 1973, TO FILE REPORT ON H.R. 10956

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Friday, October 19, to file a report on the bill H.R. 10956.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENDING AUTHORIZATION FOR CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 602

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. MADDEN. Mr. Speaker, House Resolution 602 provides for an open rule with 1 hour of general debate on H.R. 10397, a bill to provide authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People through December 30, 1974.

The Cabinet Committee was created by statute in 1969 as a successor to the Interagency Committee on Mexican-American Affairs. Its objective is to help insure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals. At the present time many of these Americans are seriously disadvantaged in terms of employment, education, housing, and health care.

H.R. 10397 requires that regional offices be established and that at least 50 percent of funds for salaries of Cabinet Committee employees be expended through these offices.

The bill bans partisan political activity by the chairman of the committee and employees of the committee.

Mr. Speaker, H.R. 10397 authorizes the appropriations of $1.5 million for the period extending through December 30, 1973. I urge adoption of House Resolution 602 in order that we may discuss and debate H.R. 10397.

By extending it on until December of 1974 it funds and extends the Spanish program until it completes its authorization, which was created in 1969. This bill provides money authorization for the remainder of its 1½-year extension and requires additional regional offices be expanded over the Nation.

It also provides added functions for assisting Spanish-speaking groups and individuals in securing their participation in various benefits and assistance programs, mandated by law.

The bill provides, also, a dollar ceiling in the appropriations which may be authorized for the committee, which has been operating on a budget of $1 million annually. This ceiling is now $1½ million.

The chairman of the committee shall designate one of the other committee members to serve as acting chairman during the absence or disability of the chairman.

The committee shall meet at least semiannually during each year.

A group of 14 individuals in addition to the chairman, each of whom shall represent one member of the committee, shall meet at the call of the chairman at least six times each year.

The committee shall have the following functions:

First. To advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

Second. To advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

I hope this legislation is passed by a large majority vote.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering House Resolution 602, which provides for the consideration of H.R. 10397, the Authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People, under an open rule with 1 hour of general debate.

The primary purpose of H.R. 10397 is to authorize funds for the Cabinet Committee on Opportunities for Spanish-Speaking People.

The Cabinet Committee was established for 5 years in 1969; however, appropriations were not authorized for the full 5 years. The bill is necessary to provide authorization through December 30, 1974, which is the date when the enabling legislation for the Cabinet Committee expires. The Cabinet Committee is now operating under a continuing resolution.

The Chairman of the Cabinet Committee is a full-time official directing a staff of approximately 40 employees. In recent years the Cabinet Committee has operated on a budget of about $1,000,000 per year.

The Cabinet Committee has met four times since its creation in 1969. The original legislation calls for annual reports. Two have been submitted—those for fiscal 1971 and 1972.

This bill amends the enabling legislation in several respects. This bill requires that regional offices be established, and that at least 50 percent of funds for salaries of Cabinet Committee employees be expended through these offices. This bill bans partisan political activity by the chairman and employees of the Cabinet Committee. The full Cabinet Committee, which the bill enlarges, to include the Secretary of Defense, the Secretary of Transportation and the Administrator of Veterans' Affairs, will be required to meet semiannually.

It is estimated that this bill will cost $1,500,000 in the current fiscal year and $750,000 in fiscal year 1975.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on this legislation.

Mr. Speaker, I have no requests for time, and reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10397, with Mr. KARTH in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 30 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my remarks today in introducing the bill to extend the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People will be necessarily

brief. As I described the bill in some detail 2 weeks ago when it was considered under suspension of the rules, the purpose of H.R. 10397 is to provide for funding authorization for the Cabinet Committee for the balance of the 5-year term for which it was originally created.

Public Law 91–181 envisioned a 5-year Cabinet Committee, but authorized funding in lesser increments, the most recent of which expired June 30, 1973. The Cabinet Committee is presently operating under the provisions of a continuing resolution.

There is no question as to the need for affirmative action on the part of the Federal Government to assist the Spanish-speaking minority within the United States. As a group, the Spanish-speaking are poorly educated, poorly housed, and discriminated against in employment opportunities in many instances.

Despite the fact that they preceded other ethnic groups in many areas, particularly in the Southwest and on the west coast, they remain an underprivileged minority within our society.

The Cabinet Committee was established by President Johnson's Executive memo in 1967 prior to its statutory authorization in 1969. It serves as a liaison between the Spanish-speaking community and the Federal Government for the administration of Federal laws. Its functions are advisory in nature.

During recent years the Cabinet Committee has promoted the 16-point program to increase Federal employment among the Spanish-speaking Americans. It also was instrumental in helping to channel $47 million in Federal aid programs into Spanish-speaking community enterprises, mostly in the small business area.

On Monday, the gentleman from New York (Mr. HORTON) included in the RECORD an excellent detailed description of the achievements and operations of the Cabinet Committee, which I recommend to the Members for reading.

During the hearings conducted by the Subcommittee on Legislation and Military Operations of the Committee on Government Operations, we identified several problem areas within the Cabinet Committee's operation. These problems include limited effectiveness, dormant Advisory Council, and ill-advised political activity on the part of the Chairman and staff.

The bill, H.R. 10397, seeks to remedy these problems. It would make the Cabinet Committee more effective by establishing a working group of designated representatives of the Cabinet secretaries to implement policy decisions of the full Cabinet Committee—and I want to emphasize this: It is the Cabinet Committee that makes policy, and this is very important, not the Administrator of the agency, the chairman of the agency.

An additional function of directly assisting Spanish-speaking individuals and groups will be performed through regional offices. The bill provides for the establishment of such offices within the funding limitations imposed by the administration and the Congress. Discussions with the Cabinet Committee staff indicate that it is their intention to provide for six such offices.

Why did the committee do this? The committee found that the Cabinet Committee, the Administrator, and his aides were sitting here in Washington with occasional travels involving a lot of expense to the Government, but that the people in the various concentrations of population in this country were not getting the benefit of that Cabinet Committee's purpose, for which Congress authorized it and set it up to accomplish. That was to bring to the Spanish-speaking people information in regard to their opportunities under existing laws that this Congress has passed. This is what we wanted them to do. We did not want them to go out and indulge in local or Federal politics, partisan politics, on either side of the fence. We wanted them to do the job of bringing opportunities to these people. That was the purpose of it.

So we wrote into this bill a recommendation that 50 percent of the salary fund be expended in local concentrations of Spanish-speaking people rather than by shuffling papers in some bureau here in Washington.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the chairman. I want to say by way of prefatory remarks that I am not rising in order to make any opposition statement at this point.

I am rising for two reasons, because the distinguished chairman mentioned in the course of his presentation of this bill two facts which I think ought to be clarified.

Also I think I should say I have been opposed to this legislation from the very beginning. I voted against it the first time in December 1969. I voted against it at the only other opportunity I had; but at this point, will not the chairman agree, awhile ago the chairman stated that Lyndon Johnson started this; but will the chairman not correct that statement by saying that what President Johnson started was very different from this present program?

President Johnson started an interagency cabinet-level agency for the Mexican-Americans, and not the Spanish-speaking Americans.

Mr. HOLIFIELD. That is true.

Mr. GONZALEZ. He set it up under his Executive budget.

Mr. HOLIFIELD. That is right.

Mr. GONZALEZ. He never recommended that the Congress set this up as a matter of legislative approach.

Mr. HOLIFIELD. That is true.

Mr. GONZALEZ. All right; when the Congress finally did act on it and changed the nature and substance and the thrust of what President Lyndon Johnson had actually established, first it set up an innovative legislative principle.

Secondly, it provided for legislative funding.

Thirdly, it provided for the establishment of this committee by the Commission.

That comes to my second question. Will not the gentleman also recall that not one time during the life of this committee had the committee itself met? Is that not what the gentleman's subcommittee brought out?

Mr. HOLIFIELD. This is one of the reasons for our action. First, I will say that the Cabinet-level membership in this committee proved not to be a functioning level. Therefore, in this bill we have changed that. We have corrected several things. We have said that each Cabinet member shall designate someone to sit in his stead when he cannot attend.

Now, getting back to the first part of the gentleman's question, yes, we did change this. We have found that other Spanish-speaking groups in this Nation were in the same position that the Mexican-American group was in.

We have found great concentrations of Cubans, particularly in Florida, and of Puerto Ricans in New York City. Many of these people were not bilingual and were unable to understand English. There was no one telling them about the opportunities that were available to them in education and vocational training and medical attention and things like that.

We felt as long as this country had accepted these people, that we should help them, because there was among these people the common bond of the lack of being bilingual, and we felt they should be given the same kind of assistance that the Mexican-Americans were being given. That is why we did what we have done and we made a better bill by doing so.

Mr. GONZALEZ. I thank the gentleman from California.

I just want to say, this is not the occasion I wanted to take to voice my individual opinion.

Mr. HOLIFIELD. I see.

Mr. GONZALEZ. The gentleman mentioned the bilingual language approach. The trouble with this approach is that it does not leave them even half-lingual.

Mr. HOLIFIELD. That is the gentleman's opinion.

The Advisory Council of the Cabinet Committee would be revitalized by expanding its membership and requiring public meetings at least quarterly. There was no mandatory provision in the previous bill that they should meet quarterly, but we thought they would do this as a matter of obligation. But they did not. The Council, under the new bill, would be required to meet quarterly and would be permitted to advise on any matter of interest to the Spanish-speaking community.

A provision to prohibit political activities on the part of the Chairman and employees is designed to protect them from the problems created when such a sensitive organization becomes involved in political activity. This prohibition is similar in concept and intent to the restrictions which Congress has seen fit to apply to the Office of Economic Opportunity. It would suspend salary payments to anyone violating the provisions and require repayment of salary of up to 30 days for past offenses.

This committee feels that these safeguards and improvements will render the Cabinet Committee an effective voice for the Nation's Spanish-speaking minority. I, therefore, recommend passage of H.R. 10397, which was reported unanimously by the Committee on Government Operations, and which received a vote of 241 ayes to 130 nays when considered under suspension of the rules 2 weeks ago.

Mr. HORTON. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I want to convince you of two things today: First, the continuation of the Cabinet Committee on Opportunities for Spanish-Speaking People is necessary to end the Federal Government's long neglect of Spanish-speaking Americans; and second, that the existing Cabinet Committee has produced for the Spanish speaking, and it will do even more if we pass this legislation.

Why is the Cabinet Committee necessary?

Spanish-speaking Americans have a unique culture within our society. They have made great contributions to our country. Unfortunately, it is also characterized by substandard housing, health care, education, and income.

Let me cite the figures. The median income for Spanish-speaking families in 1971 was 30-percent less than that for the general population. Eighty percent of the Spanish-speaking homes in this country are substandard. The incidence of tuberculosis and other serious illnesses is higher among Spanish speaking than any other national or ethnic group. Spanish-speaking children drop out of school at an inordinately high rate; less than half of every 10 Spanish-speaking youths complete high school. Only 3 percent of Spanish-speaking high school graduates finish college. The Spanish speaking clearly are not doing well in our society.

The reasons for this stem from the language barrier and, unfortunately, ethnic discrimination. The Spanish speaking have contributed richly to our society, and it would be wrong for us to ignore the problems which unjustly keep them out of the mainstream of American life.

I know some Members are concerned about setting a precedent for establishing a special office for a single minority when, indeed, there are so many minorities in our country. But the fact of the matter is that the other minorities have either their rightful place in American society, or they have a number of Federal programs designed to help them improve their condition. As any Member with Spanish speaking in their district knows, the Spanish-speaking minority are not integrated into American society, and have been neglected by the Federal Government.

The Spanish speaking can and should benefit from the full range of Federal programs designed to help our disadvantaged. Therefore, we have designed this Cabinet Committee to serve as a spokesman for the Spanish speaking, enabling them to obtain their fair share of Federal assistance. This Cabinet Committee is not a give-away program, it does not authorize funds, nor does it grant special privileges to the Spanish-speaking. The Cabinet Committee will make the Federal Government work for the Spanish speaking just as the Federal Government works for others in American society. The years of inattention and neglect amply justify this special agent for the Spanish-speaking.

What has the Cabinet Committee done and what will it do? It has gotten money to Spanish-speaking groups working on their own problems. It has lined up jobs at all levels of government for the Spanish-speaking. It has organized studies of major problems facing the Spanish-speaking. And most importantly, it has sensitized policymaking officials of our Government to the needs of Spanish-speaking and the effectiveness of existing programs in meeting these needs.

Let me be specific. The Cabinet Committee, working through the regional offices of the Federal agencies, saw to it that $47 million was authorized over and above regular program commitments to projects serving the Spanish-speaking. It has developed and is now monitoring the implementation of the 16-point program to insure that Federal jobs across the board are reaching the Spanish-speaking. While Federal employment has been reduced by almost 60,000 during the last 4 years, Spanish-speaking employment in the Federal service has actually increased by nearly 4,000. And very importantly, there have been increases in the number of Spanish-speaking in the higher level general schedule jobs and at the policymaking level.

There are other accomplishments that can be pointed to, but I would like to mention one in particular that I think is very important because it shows the significance of this office in the Federal establishment. The Cabinet Committee, when it first came into existence, discovered that there was no accurate data on the condition faced by the Spanish-speaking. It has been working with the Census Bureau and other agencies to develop information systems which will tell us more about the scope and extent of the problems faced by the Spanish-speaking. Without this data, there can be no basis for the policy decisions which are required to better serve the interests of Spanish-speaking Americans.

Let me now tell you about some of the plans of the Cabinet Committee. The Cabinet Committee, the White House, and the Office of Management and Budget. I am pleased to say, for the past 3 months have been engaged in a very extensive study of priorities for the Cabinet Committee. I think their efforts will result in some important advances for the Spanish-speaking. One program is to establish 10 minority enterprise small business investment corporations—the so-called MESBICS—and a number of business development organizations and business resource centers to serve the Spanish-speaking. It wants to push for the construction of at least five major subsidized housing projects which would be built by and for the Spanish-speaking. It plans to develop and push for the adoption of a national policy on seasonal and migrant farmworkers. It hopes to put together a task force to develop a strategy on manpower programs serving the Spanish-speaking. It wants to reach out to the private sector, gaining commitments from private foundations to earmark a fair share of their funds for the Spanish-speaking. It wants to develop rules and procedures whereby private business is held to its contractual obligations to provide opportunities for Spanish-speaking workers and contractors. It wants to encourage broadcasters to provide an equitable amount of programing for the Spanish-speaking; using, where necessary, the authority of the FCC to support this effort.

There is so much that needs to be done and the Cabinet Committee can help do it. The Cabinet Committee is a symbol for the Spanish-speaking community of the willingness of the Federal Government to be responsive to its needs. It is a small operation and an inexpensive operation, but I think well worth the cost.

Members who would like to have more information on the accomplishments and plans of the Cabinet Committee should look at the material I put in Monday's CONGRESSIONAL RECORD, page 34170.

Both the subcommittee and the full Government Operations Committee reported this bill unanimously. The administration supports the bill.

H.R. 10397 contains several amendments to the charter of the Cabinet Committee which will strengthen its operations. The bill authorizes regional representatives to work with local Spanish-speaking groups. It strengthens the Advisory Council as a voice of the Spanish-speaking community, and makes some needed reforms in the Cabinet Committee structure.

I urge my colleagues to vote for this bill. Spanish-speaking Americans need and deserve an effective Cabinet Committee.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. I thank the gentleman for yielding.

I want to commend the chairman of the committee and the ranking minority member for bringing this legislation back to us. I believe they have laid the foundation well in their remarks today, so I will not take very much time in going over the same ground.

Mr. Chairman, I wish to add my support and urge the passage of H.R. 10397, a bill to authorize appropriations for the Cabinet Committee on Opportunity for the Spanish-Speaking People.

The needs of the Spanish-speaking are the same needs as those of any other group of people, with the exception of some specific areas such as bilingual education and full access to the economic mainstream of this great country.

For this reason, Mr. Chairman, we are in need of such a committee. Someone who can open doors. In fact an advocate or ombudsman for those who need an additional boost to allow them to make their own way by providing the necessary tools to be able to compete.

This, Mr. Chairman, has been the role

that the committee has accepted with great zeal and enthusiasm.

For this reason, Mr. Chairman, I urge each of my colleagues to support this legislation.

Mr. HORTON. I thank the gentlemen for his support.

Mr. HOLIFIELD. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. EDWARDS) who is the chairman of a subcommittee of the Committee on the Judiciary and has made an extensive study of this matter.

Mr. EDWARDS of California. Mr. Chairman, once again I rise in support of H.R. 10397, to extend the authorization of funds for the Cabinet Committee on Opportunities for Spanish-Speaking People.

I need not remind my colleagues that Spanish-speaking persons continue to suffer the effects of discrimination despite our civil rights laws. Mexican-Americans, Puerto Ricans, and other Spanish-speaking persons have not been afforded equal opportunity in the past. The burden which this imposes on Spanish-speaking persons today is indeed difficult to overcome.

Spanish-speaking children face an almost insurmountable barrier when they enter first grade. Without the help of bilingual education programs, Spanish-speaking children cannot surmount that barrier. Yet, barely 1 percent of the children who desperately need those special programs receive bilingual training.

The Cabinet Committee was designed to facilitate solutions to some of the many problems which face the Spanish speaking. It was to become an ombudsman within the administration for that segment of our population. When Spanish-speaking persons were denied access to Federal agencies through ordinary means, the Cabinet Committee was to provide an avenue for their use.

The Civil Rights and Constitutional Rights Subcommittee, which I chair in the Committee on the Judiciary, held hearings earlier this year on the Cabinet Committee's role in providing equal opportunity to Spanish-speaking persons. We heard testimony that the Cabinet Committee had not fully met its statutory obligations. It had not convened meetings quarterly as required by law, or issued annual reports in a timely and satisfactory manner. The Advisory Council to the Cabinet Committee had, in addition, become defunct. There was some testimony that political matters took precedence.

However, we also determined during those hearings that the need for an agency such as the Cabinet Committee within the Government is as great now as it was when the Cabinet Committee was first authorized. H.R. 10397 will allow the Cabinet Committee to go on doing the work for which it was originally intended; namely, advising the Federal Government on the needs of the Spanish-speaking and the means to address those needs.

Section 5 of the bill would prohibit officers of employees of the Cabinet Committee from engaging in partisan political activity involving Federal elections. Last year the Congress removed the Director of OEO from participation in partisan political activity. This year the Government Operations Committee has reported out a bill which would remove the chairman of the Cabinet Committee from participation in that same arena.

The Chairman of the Cabinet Committee must play a very sensitive role. In a very real sense, he is the emissary of 12 million Spanish-speaking persons. He cannot be a proponent just of the administration's programs, but must also serve as a proponent of the needs of Spanish-speaking Americans. In the past few years, the Cabinet Committee has filtered information from the administration to the Spanish speaking community. It must begin now to filter information regarding the concerns of Spanish-speaking Americans from the community to those in policymaking positions in the Federal Government.

Section 5 of H.R. 10397 frees the Chairman of the Cabinet Committee from the pressures of partisan politics. It frees him to carry on the vital business of the Cabinet Committee. I therefore urge my colleagues to support this bill intact so that members of the Spanish-speaking community of this Nation may once again receive full benefits of a committee created to serve their needs.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr EDWARDS of California. I yield to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I commend the gentleman for his statement and wish to join with him in that statement. I am on the subcommittee which the gentleman chairs.

I also wish to comment that this, although clearly worthwhile, is nothing more than a token demonstration of concern with the problem of discrimination against Spanish-speaking Americans.

But at least it is a token indication of the fact that we have noted that there are problems they are confronting.

I hope that those who note the passage of this bill providing for the extension of this committee do not therefor conclude that this administration or this Congress, for that matter, has met its responsibility to eradicate in any major way the problem or even make a generous contribution toward the eradication of the problem of discrimination.

It would have been a much better indication of our commitment toward the objectives of this measure had we indicated a commitment when we voted on OEO programs, had we indicated the commitment to such programs as the California rural assistance program which seeks to assist Mexican-Americans in California under the OEO program, or had we indicated a commitment on civil rights legislation under this administration. All of the programs, minimum wage, and all the other programs, that really would have impact on the adverse effects of discrimination and the policies contrary to the interests of Mexican-Americans have really been opposed by the administration, and the passage of this bill extending the life of this committee is hardly any substitute for not having taken some conscious, strong actions to eradicate the problems that discriminatory practices have created for this class and this group of Americans.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. STEELE).

Mr. STEELE. Mr. Chairman, I rise in support of H.R. 10397, which would extend the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People.

Established in 1969 as a successor to the Interagency Committee on Mexican-American Affairs, the Cabinet Committee on Opportunities for Spanish-Speaking People is designed to help insure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals, including those of Puerto Rican, Mexican, Cuban, and other backgrounds.

Although the committee's activities are authorized until December 30, 1974, funding authorizations expired on June 30 of this year, and a continuing resolution is currently in effect. The bill before us today authorizes funding for the remainder of the committee's tenure: $1.5 million for fiscal year 1974 and $750,000 for the period between the end of the fiscal 1974 year and December 30, 1974.

Moreover, H.R. 10397 expands the membership of the Cabinet Committee to include the Secretary of Defense, the Secretary of Transportation, and the Administrator of Veterans' Affairs, as well as expanding the membership of the Advisory Council of Spanish-Speaking Americans from 9 to 11 members.

Further, this legislation will broaden the base of this committee throughout Nation by mandating the establishment of regional offices and requiring that at least 50 percent of the total payroll must be allotted to employees located outside Washingon.

For far too long, the needs and aspirations of Spanish-speaking Americans have been neglected by our Government. I believe that the Cabinet Committee on Opportunities for Spanish-Speaking People is a step in correcting that injustice. I urge my colleagues to join with me in supporting this bill.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, the people of my home State of Arizona, especially the Spanish-speaking people, are in full support of the Cabinet Committee on Opportunities for Spanish-Speaking People because the Committee is responding to the peoples' needs at the local grassroots level—and that is where government really counts.

I am referring to the Cabinet Committee's Project Alpha which last year saw Federal funds going to Spanish-speaking programs which are operated by and for the Spanish speaking. What is particularly significant about these Spanish-speaking groups is that they were funded for the first time; they never before had been given an opportunity to participate in the mainstream.

For example, look at the fact sheet on funding:

Valle Del Sol Institute in Phoenix was allocated $50,000 in HSMHA–HEW funds.

The University of Arizona Health Center received $50,000 for a special program for the Spanish speaking.

And there is the Veterans Outreach program in Tucson which was granted $28,000 by the DOL for outreach and job placement services for returning Vietnam veterans. Their program was sponsored by Jobs for Progress, Operation SER, the highly successful Spanish-speaking manpower program, which sent recruiters into the low-income areas seeking out Spanish-speaking veterans and helping them get back in the system.

In addition, HUD, DOT, and economic development moneys found their way to the Spanish speaking. And I can also emphasize that these funds were not doled out to the Spanish speaking on the basis of some arbitrary ethnic quote. The funds were allocated because the Spanish-speaking groups, assisted by the Cabinet Committee, clearly demonstrated the need of their programs, and the Spanish-speaking groups showed clearly that they had the ability to carry out these programs.

But what is especially significant, Mr. Speaker, the Cabinet Committee demonstrated to all America that the Spanish speaking are an untapped reservoir of human resources.

That is why the Spanish speaking, indeed all Americans, need the Cabinet Committee. For too long the Spanish speaking had been ignored by their Government; Federal programs were just not teaching the Spanish speaking.

But since the Cabinet Committee was established, the Spanish-speaking presence is being made known, and at long last, Federal programs and services are reaching the Spanish speaking who are joining hands with their fellow Americans to build up their communities.

I respectfully urge my colleagues to vote for the Wiggins amendment and the Cabinet Committee's bill, a very worthwhile and needed piece of legislation.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I supported the creation of a Cabinet committee when it was before the Congress some years ago, and I continue to do so today. But now, having said that, I do not wish to be understood as supporting this bill. I do not think we can easily equate support for this given legislation for the concept of a Cabinet committee, because we are talking about two different things.

Mr. Chairman, I do not intend to take 5 minutes to develop my reasons for opposition to this bill at this time—the question was debated at some length when this issue was before the Congress under a suspension of the rules—but I do want to alert my colleagues to the fact that two amendments will be offered under the 5-minute rule. One amendment I intend to offer will deal with section 5 of the bill and will modify the badly drafted language intended to keep this organization out of political activity.

The language which I shall move to strike from the bill commences on page 4, line 3, and extends to line 9 on that page.

It is to be noted my amendment does not remove the committee suggested language that the Cabinet Committee shall not engage in partisan political activity. If we support the concept that it should be free from partisan political activity, then we should not adopt an amendment which is imperfectly drafted so as to extend its reach beyond that which we intended.

Second, it is my intention to offer an amendment which will delete the last sentence on page 4 of the bill. This is a sentence which mandates that 50 percent of the funds authorized shall be spent to pay salaries in regional offices.

We shall discuss under the 5-minute rule the impact of that language. Suffice it to say at the present time I think it represents a major and unwise change in direction for the Cabinet Committee.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Chairman, I rise today to speak in support of H.R. 10397, a bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People until December 31, 1974.

This committee was established in 1969 to assure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals. It has made sure that Federal programs have provided the assistance that these people need while, at the same time, it has looked for new programs that may be necessary to handle problems unique to the Spanish-speaking American.

During hearings in the Subcommittee on Legislation and Military Operations of the Committee on Government Operations, it was made known that there are those who feel that the Cabinet Committee has not fulfilled its intended obligations—it has not gotten close to the people it is trying to help. Other critics say that the committee was used for partisan political purposes in the 1972 campaigns.

I feel that this bill, H.R. 10397, will appease these critics. First, the bill will make the committee more responsive to the Spanish-speaking American by establishing regional offices and requiring that 50 percent of the appropriated funds for salaries be expended through these regional offices. Second, the bill prohibits anyone connected with the organization from trying to influence the outcome of a political election as well as prohibits the expenditure of funds for such a purpose.

Moreover it expands the membership of the Cabinet Committee to include the Secretaries of Defense and Transportation as well as the Administrator of Veterans' Affairs, which includes many areas of involvement that are an integral part of the lives of Spanish-speaking Americans.

The bill will also authorize the committee to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving legal assistance, when necessary.

I believe that the continuance of funding for this committee is vital for the well-being and improvement of the Spanish-speaking and Spanish-surnamed American. I strongly urge the passage of H.R. 10397 by my colleagues in the House.

Mr. HOLIFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I thank the distinguished gentleman from California (Mr. HOLIFIELD), the chairman of the Committee on Government Operations, for yielding me this time.

Mr. Chairman, there would be no purpose served in my restating at this time an analysis of this bill and its purposes. That has been so ably done by the chairman, the gentleman from California (Mr. HOLIFIELD), and the gentleman from California (Mr. EDWARDS), and others who have explained the bill. Suffice it to say, Mr. Chairman, that I am one of the authors of this bill, that I approve and support this bill and the purposes which it seeks to achieve, fully, and that I urge all of my colleagues to vote for the bill.

Mr. Chairman, I have had the privilege during the past more than 12 years to represent in the Legislature of the State of California, and in the Congress, a district which contains large numbers of Spanish-speaking people. The bulk of them are Mexican-American, of Mexican ancestry, but there are also a very substantial number of other Spanish-speaking peoples, mainly Cubans, Puerto Ricans, South Americans, Central Americans and Filipinos as well as some Spaniards themselves.

I have witnessed at first hand that, due to a lack of familiarity with our laws and customs, due oftentimes to a lack of fluency in the English language, and sometimes due to a lack of leadership, that these people have not been able to enjoy and have not had the opportunity to take advantage of the many beneficial programs and opportunities our country provides for its citizens.

The concept of this Cabinet committee is that it serve as an intermediary and a guiding influence to make it possible for more of the Spanish-speaking people to participate fully in our economy and in our society. That is a worthy and commendable concept, and one which deserves the support of every Member of this House. Accordingly I urge that all of my colleagues join with me in voting for the passage of this bill, H.R. 10397, and for the continued life of the Cabinet Committee on Opportunities for Spanish-Speaking People.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I just want to compliment the gentleman from California (Mr. DANIELSON) for his interest in this matter. I know also that since the district represented by the gentleman in the well adjoins my district, that

the gentleman has probably 20 or 25 percent Spanish-speaking people in his district, and so the gentleman knows their problems, like I do in my own district, which has a large Spanish-speaking population, and like the gentleman from California (Mr. ROYBAL) does, who represents another adjoining district.

May I add further that the gentleman in the well has always been a champion of the rights of the downtrodden, the disadvantaged, and those who have been discriminated against.

Mr. DANIELSON. Mr. Chairman, I thank the gentleman from California for his kind remarks.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, I want to commend the committee for bringing this bill up for consideration today.

The Spanish-speaking people and the culture that they have brought to our country has been one of the really great developments of this century. Through the recognition that we are giving, through this council and this committee, we have done much to establish in communities throughout the Nation the prestige and understanding that they so rightfully deserve.

I was particularly impressed in this bill with the fact that it emphasizes and encourages that more and more of the work shall be decentralized and staff placed out in the regions. It has been my experience with the Federal Government's work that the closer we come to the grass roots, the more effective we are. With greater decentralization, we are going to see more and more accomplished with this regional work.

I commend Chairman HOLIFIELD and our ranking member, Mr. HORTON, for this excellent bill.

I commend the bill and urge its passage.

Mr. HORTON. Mr. Chairman, I reserve the balance of my time.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I thank the chairman for yielding.

Mr. Chairman, I have been, along with many of my colleagues who have spoken, very much interested in this legislation since its original inception in 1969. I want to pay tribute to the chairman and the minority leader of the committee for bringing back to us today this revised bill, which I think is an excellent piece of legislation. I feel there is much work yet to be done in regard to ameliorating the situation of the Spanish-speaking people in this country. The areas in which this work remains to be done quite frequently lie within the Government itself.

I recognize that considerable improvement has been made at the Federal level in increasing the percentage of Spanish-speaking employees in the Federal Government, but the progress made really represents just a drop in the bucket. Similarly, there needs to be a great deal of progress at the State and local levels. Within the past few years there have actually been brought into the courts several situations where local agencies of government were discriminating against the Spanish-speaking; where the percentage of Spanish-speaking in police departments, fire departments, and other such agencies was so ridiculously low that it was obviously the result of failure to maintain any kind of positive recruitment effort, or of outright discrimination.

A good part of the progress that needs to be made for the Spanish-speaking is in the political area, as well as in the area of government. When I say this, I am not intending to lend support for removal of the restriction against partisan political activity contained in this bill. What I am talking about is the very great need to make it easier for the Spanish-speaking to participate in the political process, and that means first the right and the opportunity to register to vote.

One of the very important things that this Cabinet Committee can do is to examine the areas in which there is a large Spanish-speaking population, determine whether they are adequately registered in comparision with the total voting population, and if they are not, take steps to see that Spanish-speaking registrars and other kinds of assistance are given to this population so that they can exercise their full rights and can carry their full responsibility in the political process.

Merely looking at the ranks of this body will show that there are perhaps 1 percent or slightly more of Spanish-speaking Members of this body, when the true entitlement of this Spanish-speaking portion of our population should be much closer to 25 or 30 Members of this body.

I assure the Members that this is reflected in all other legislative bodies. It is this type of political activity, of nonpartisan political activity, that I think needs to be encouraged by the Cabinet-level committee.

I heartily support this legislation and urge its passage .

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I rise in support of this legislation. I have supported this agency from its inception, because of the need to focus attention and effort in behalf of a patriotic minority, which principally through language barriers have not had full opportunity for work and education.

I have seen many good things done by the Cabinet Committee on Opportunities for Spanish-Speaking People, in the Southwest and in other areas of this country. The agency needs to fulfill the programs it has started, and therefore I urge passage of this bill today.

Mr. CONTE. Mr. Chairman, 2 weeks ago, the Chamber missed a golden opportunity to enact this piece of legislation which would go such a long way toward alleviating the current plight affecting the Spanish-speaking population of this country. I am confident that at this session we will act swiftly and judiciously to remedy the situation with the passage of this bill.

The Spanish-speaking communities of these United States comprise a group with a distinct and proud heritage, but which is plagued with unique problems. During the 1970 population census, over 9 million citizens reported themselves to be of Spanish origin. That makes them the second largest minority in the Nation; their numbers today are equal to the total populace of this country back in 1820. Such a large number of individuals represents, at this time, an untapped resource of talents which could be realized if active steps were taken to correct the adverse conditions which limit their potential. We must face up to the sad fact that, because of a language barrier, a good majority of these people have faced alienation from the rest of the American people.

We in the Congress must remain true to the promise we made to our Spanish-speaking citizens so belatedly in 1969. At that time, the Federal Government finally acted to insure that Federal programs would be responsive to the needs of the Spanish-speaking and Spanish-surnamed individuals of this country.

Prior to that time, this Nation had demonstrated precious little concern for this almost forgotten minority. Since that time, considerable progress has been made for our Spanish-speaking citizens, and considerable credit for that work must go to the Cabinet Committee. Extensive work has already been done in programs such as dropout prevention, traveling classrooms, migrant health and education, drug education and prevention, employment training center, legal assistance services, and many, many more. The objectives are worthwhile—seeking to put Spanish-speaking people in Federal employment at all levels, and striving to see that the Spanish-speaking have access to the funds that the Federal Government is spending to improve the quality of life for all, and I emphasize all, of its citizens.

We should not, however, entertain the idea here today that the job has been finished. The fact must be borne out that the job has barely begun. This is not the time to desert the cause.

Recent statistics point out the need for further action: One-fifth of the families of Spanish origin in this country still live below the poverty level; 80 percent of the Spanish-speaking homes in this country are substandard; and the unemployment rate for the Spanish speaking is almost 10 percent, in a country where the national percentage is less than 5 percent.

We must change these statistics, and one of the ways to do that is to support this legislation today.

We who constantly proclaim the equality of opportunity in America now have the opportunity today to back up that claim with action. I sincerely hope that this opportunity is not lost on the floor of this Chamber here today.

Mr. CORMAN. Mr. Chairman, the Cabinet Committee merits our support because it is vital to the interests and concerns of all Spanish-speaking Americans. Indeed, one of its primary areas of concern, economic development, is one

which I, as a member of the Select Committee on Small Business, heartily endorse.

The Cabinet Committee has been able to sensitize Federal agencies to be cognizant of the economic development needs of the Spanish speaking. A notable example is the cooperation between the Cabinet Committee staff and the Small Business Administration.

In fiscal year 1972, SBA business loan approvals to Spanish-speaking people increased in number from 2,570 to 3,158 and in dollars from $57.8 to $74.5 million over the previous year.

Under its procurement program, SBA awarded 248 Government contracts to Spanish-speaking firms for nearly $18 million, and under its 406 grant program, which provides management and technical resources, Spanish-speaking firms received $547,000 of the $3 million allotment to the program.

In Los Angeles County, the Cabinet Committee was instrumental in the implementation of HUD's Los Angeles set-aside plan under which over 500 housing units with over $10 million in mortgage value were allocated for the Spanish speaking.

These actions I submit show the effectiveness of the Cabinet Committee and clearly demonstrate that if Spanish-speaking Americans are to make a speedier breakthrough into America's economic mainstream, they need the Cabinet Committee to assist them in making this important step.

Mr. RAILSBACK. Mr. Chairman, for years members of the Spanish-speaking community in the United States—who now number around 10 million citizens—were without a voice in the Government. Federal agencies and departments remained ignorant of the pressing needs of the Spanish speaking and Spanish-surnamed Americans. Disadvantaged members of this community, struggling outside the mainstream of economic opportunity, were both unaware of and isolated from existing Government programs which could offer them some measure of relief.

For the past 5 years, fortunately, Spanish speaking and Spanish-surnamed Americans have had a spokesman within the Federal Government—an articulate and compassionate ombudsman, attuned to the specific problems and frustrations facing our Nation's second largest minority. This voice has come from the Cabinet Committee on Opportunities for Spanish-Speaking People. For my part, I have continually been a supporter of the Cabinet Committee on Opportunities for Spanish-Speaking People and am pleased to add my support again today.

Since its inception in 1969, the Committee has worked to alleviate the problems of the Spanish speaking and the Spanish-surnamed American by making him aware of those existing Government programs which could benefit him. These efforts have been rewarded in the areas of educational attainment, labor force participation, employment, and median income, but there is clearly much more to do. For this reason, I have cosponsored the bill before us to extend the activities of the Committee.

This legislation, H.R. 10397, authorizes funding for the remainder of the Committee's tenure: $1.5 million for fiscal year 1974, and $.5 million for the period ending December 30, 1974. It will also expand the membership of the Advisory Council on Spanish-Speaking Americans from 9 to 11 members, allows the Council to independently determine relevant topics in advising the Cabinet Committee, and provides that the Council will meet quarterly with the Chairman of the Cabinet Committee. It will also expand the membership of the Cabinet Committee itself to include the Secretary of Defense and Transportation, and the Administrator of Veterans' Affairs, and will require semiannual rather than quarterly meetings of the Committee.

H.R. 10397 will amend existing law to bring the Committee closer to the Spanish-speaking community by opening regional offices and providing that at least 50 percent of the total payroll will be paid to employees located outside of Washington. To insure that the Committee will not engage in partisan politics, H.R. 10397 also provides for a maximum forfeiture of 30 days salary should the Civil Service Commission find that the Chairman or the employees of the Committee have been found in violation of this clause.

In addition to these provisions, this bill further requires the Advisory Council on Spanish-Speaking Americans to have announced meetings which are open to the public and that the minutes are made available for public inspection and copying.

Unfortunately, on October 1, 1973, the House failed to suspend the rules—two-thirds of the Members not voting in the affirmative—and pass H.R. 10397. As a cosponsor, I was very disappointed by the House vote, but I am hopeful that this bill will now be passed by the full House membership through the regular legislative process. Although a two-thirds vote did not occur earlier this month, it is of some encouragement that the majority of my colleagues did vote in support of this bill. I urge that the majority of my colleagues again support this legislation and pass it immediately. We must certainly reaffirm this Nation's commitment to the full participation of her Spanish-speaking citizens in all aspects of American life. H.R. 10397 will help affirm that important commitment.

Mr. TALCOTT. Mr. Chairman, we seldom realize that a number of Spanish-speaking people were actually in this country before many of us of Anglo and European stock settled here. We seldom realize that for decade after decade the Spanish speaking were discriminated against because they spoke a different language and enjoyed a different culture from the large community.

But throughout our history, the Spanish-surnamed have endured, tenaciously retaining their own culture and language. It has not been easy, however, because the Spanish speaking are at the bottom of the ladder in almost every crucial statistical area, such as education, the professions, business, housing, health, et cetera.

It is indeed a sad commentary that despite the fact that the Spanish speaking represent the second largest, the youngest and most rapidly growing minority in our country, the Nation's civil rights laws have never worked effectively for the Spanish speaking.

Since 1969, however, when the Cabinet Committee was established, this grim picture has brightened. But let us not fool ourselves. The Spanish speaking are still at a disadvantage; they still have unique problems relating to their bilingual and bicultural needs which require multifaceted solutions; many of them still have not reached the point where they compete successfully with their fellow Americans.

For that reason, the Cabinet Committee is vitally needed by the Spanish-speaking people. A vehicle is needed to assure that Federal programs and services are reaching the Spanish speaking; a vehicle is needed to make sure that the civil rights laws work for the Spanish-speaking; a vehicle is needed to make sure the Spanish speaking will not be forgotten as an invisible minority.

That unique vehicle is the Cabinet Committee, the most successful mechanism responsible for sensitizing the Federal system, indeed the entire Nation, about the unique problems of the Spanish speaking.

Starting literally from scratch, the Cabinet Committee has brought about unprecedented gains for the Spanish speaking in the important day-to-day areas of Federal jobs across the board, of Federal funding, contract compliance, procurement, etc.

The Cabinet Committee has made all of their fellow citizens more aware of the Spanish speaking's bilingual educational needs, of the need to create more business opportunities for the Spanish speaking; of the need to make the presence of the Spanish speaking known in the media; of the need to include the Spanish speaking in the functions of government.

Mr. Chairman, I know from firsthand knowledge that the Cabinet Committee has been effective in its mission because Spanish surnamed in my district in California have often told me about the invaluable assistance rendered to them by the Cabinet Comittee's staff. The Cabinet Committee is making breakthroughs for the Spanish speaking.

The Spanish speaking are making steady progress because of the Cabinet Comittee's efforts. We cannot afford to cut that progress short, because so much more work needs to be done so the Spanish speaking can in fact achieve what all Americans rightfully deserve—the right to compete on an equal basis with their fellowmen.

So I urge my colleagues to support this legislation so the Cabinet Committee can continue to help bring the Spanish speaking into America's mainstream.

Mr. GONZALEZ. Mr. Chairman, when the House considered the original legislation creating the Cabinet Committee on Opportunities for the Spanish-Speaking in 1969, I voted "nay."

At the time, I said that the Cabinet Committee was a trick-bag; it had no real power or authority to deal with the problems of the people it was created to serve. It seemed to me to be the lowest possible response the Government could make to the billions of Spanish-surnamed people in this country—who are among the most ill-housed, ill-paid, ill-healthy people in America. These problems will not be assuaged by a second-rate Bureau of Indian Affairs. They will be solved only by real muscle and real money—neither of which the Cabinet Committee has ever had, or ever will have.

In fact, the Cabinet Committee is a fiction. There is no regular meeting of the Cabinet officers who are on the Committee, and the Chairman of the Committee seems not to have the power or stature to convene meetings of the Committee. In fact, the Committee has not even attempted to fulfill the statutory requirements for holding regular meetings. This bill in no way remedies this situation; it simply recognizes the fiction of the Committee by creating surrogates representing the Cabinet agencies that are supposed to be members of the Committee. This is no Cabinet Committee at all; this bill does not require Cabinet participation at all. We might better call this the "semi-Cabinet Comittee" or maybe, in recent political parlance, the "surrogate Committee." It is certainly no Cabinet Committee.

Besides the fiction involved in this so-called committee, I think that every observer of the committee's work agrees that its record of accomplishments has been astonishingly small, even given the slender resources it had available.

The Cabinet Committee has never been an effective advocate. It has never made any meaningful legislative recommendations; it has at best merely parroted whatever political line the administration has wanted to peddle. It is incredible to see the Cabinet Committee's Chairman go around telling the Spanish speaking that revenue sharing has been good. In San Antonio, revenue sharing has been a disaster, because it is inadequate to replace even a sizable fraction of the programs that have been killed to make room for it in the budget. But you do not see the Cabinet Committee telling the hard truth; it has been just an organ for selling whatever goods that it was told to sell.

The Cabinet Committee's political activities last year were so blatant, such an abuse of decent practice, that the bill we have today has attempted to restrict the committee's political activities.

It is a sad commentary that we have seen arguments that the Cabinet Committee should continue to be just a political mouthpiece.

The Cabinet Committee never did find its proper place or role in the Government, and that is why it became a political mouthpiece. Its function was not to stand for what the Spanish speaking really needed in the way of Government programs, but just to tell them what the Government thought was good for them.

The Cabinet Committee also served as an organ for issuing threats—reprisals if the Spanish-speaking community failed to deliver the desired quota of votes for the reelection of the President. It was used in tactics designed to sow discord and distrust between minority groups in some of the most cynical political tactics of all time.

I do not believe that we need to perpetuate the existence of this non-Cabinet Committee. It is a fiction. Its accomplishments have been far less than even its most fervent advocates hoped for. It cannot effectively advocate programs for the Spanish-speaking because it has become a political mouthpiece. It can make promises, but has no resources with which to deliver on them.

What the poor, the undereducated and the unskilled need is help. The Cabinet Committee has not provided help, and I see no sign that it has the promise of doing it, any more today than in 1969. The Spanish-speaking need real programs, agencies with real power working for them, not an obscure noncommittee.

If we really want to help, we should be providing decent housing for the millions who are ill-housed. We should be providing health services for the many who need health services. We should be providing educational assistance. We should be providing decent jobs. There is no way that empty promises are going to solve real problems. There is no reason why we should want to continue this sham.

Mr. PEPPER. Mr. Chairman, I am very pleased to support on the floor, as I did in the Rules Committee, H.R. 10397 to extend the authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People.

As you know, the Spanish speaking constitute a very significant proportion of the population of this country—approximately 12 million Spanish-speaking and Spanish-surnamed Americans and permanent residents of the United States.

In my area I am very proud to claim as constituents a large Spanish-speaking population, including a large contingent of refugees from the Communist tyranny in Cuba, many Spanish-speaking citizens from Puerto Rico and many other Spanish-speaking residents and citizens from Latin American countries in North and South America. This Latin community greatly enriches our area, our culture, our community, and business life.

There have been many criticisms of the Cabinet Committee on Opportunities for Spanish-Speaking People in the past but I feel we should not let these detract from the necessary purposes of the committee or distract us from our obligation to assure Spanish-speaking people a full opportunity to realize their talents for the benefit of the Nation, as well as for themselves and their families.

It is my hope that the Cabinet Committee, under the extended charter we are acting upon today, will realize its potential to assist all Spanish-speaking persons resident in this country, whatever their origin or technical status. While the great bulk of our Spanish-speaking population derives from Mexico and Puerto Rico, I have been assured that the focus of the Committee's work in the future will encompass all of the Spanish-speaking communities within the country.

I commend this legislation as a commitment to the principle that America cherishes diversity and seeks for all men equality of opportunity in this great land.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of this legislation to extend the authorization for the Cabinet Committee on Opportunities for Spanish-speaking People, and I also want to express my gratitude to the distinguished gentlemen from New York (Mr. HORTON) who has advised me that the Cabinet Committee has agreed to include in its focus those Portuguese-Americans who face problems virtually identical to those encountered by Spanish-speaking Americans.

I am very pleased by this development, because a number of my constituents are Portuguese-Americans, and they have experienced the same difficulties with regard to employment, education, health, et cetera, that have Puerto Rican, Mexican, and Cuban-Americans. The Portuguese are a hard-working people, whose spirit and creative energy constitute a positive force in their communities.

Including Portuguese with Spanish-speaking as beneficaries of this program is a logical step, which will complement the efforts being made by these people for themselves. I look forward to discussing this with the Director of the Committee, Mr. Henry Ramirez, and I know that the Portuguese of America will be glad to have his assistance in overcoming these cultural and language barriers.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 10397. As one of the original authors of the bill, I compliment the chairman of the Committee on Government Operations, Mr. HOLIFIELD of California, for the excellent job he has done in bringing this legislation to the floor of the House.

Studies made by the U.S. Government have indicated over a long period of time that the Spanish-speaking community in the United States has a great many problems. They are the last to be hired, and the first to be fired. In the field of education they have the largest number of school dropouts of any ethnic group any place in the United States.

In a 1972 report the U.S. Commission on Civil Rights documented the failure of our present school systems to meet the educational needs of the Spanish-speaking. Within my own district, it is estimated that in the Spanish-speaking barrios of east Los Angeles three out of four drop out of school. The causes of this educational tragedy can be found in the failure of our school systems to respond positively to the cultural heritage and language of the various Latino groups.

In the area of employment, Mexican-Americans and Puerto Ricans today remain basically in the same position as in 1969, particularly in employment rates and job opportunities. Even though la-

bor force participation rates have increased, unemployment has worsened. In 1969, unemployment rates for males and females, 16 years of age or older, were 5.5 and 7.4 percent respectively for Mexican-Americans, and 6.4 and 6.1 percent for Puerto Ricans. In 1972, these figures jumped to 7.9 and 9.1 for Mexican-Americans and 8.8 and 17.6 for Puerto Ricans.

Another major employment problem is the lack of opportunities in the professional and white collar positions. A comparison of 1969 and 1972 figures shows very little change in the distribution of types of jobs held by Mexican Americans and Puerto Ricans. In 1969, only 18.5 percent of Mexican American and 19.3 percent of Puerto Rican workers held white collar jobs. In 1972 the situation worsened for Mexican Americans, falling to 17.5 percent and improving only marginally for Puerto Ricans at 21.5 percent.

Although income figures show increases in median family income for Mexican Americans and Puerto Ricans, under closer scrutiny the improvement is only an illusion. In 1969, the median family income for the total population was $7,894 and in 1972, $10,285. This represents an increase of $2,391 for the whole population, but the increase among Mexican American families was only $1,998 and among Puerto Ricans, $1,216. Clearly the rate of increase among these Spanish-speaking groups failed to match the rate for the rest of the population and, in fact, was negligible in face of our inflationary spiral.

Further, I would like to point out that the percentage of Mexican Americans and Puerto Ricans below the low income level are far greater than the national average. While 12.5 percent of the total population fell below the low income level in 1972, 28.9 percent of Mexican Americans and 32.2 percent of Puerto Ricans were living in poverty.

All in all, a comparison of 1969 data with more recent statistics paints a disappointing picture of progress for Spanish-speaking Americans. The fact is there has been very little improvement in the social and economic level of Mexican Americans and Puerto Ricans since 1969. The continuing lack of opportunity has meant a tremendous waste of valuable human talent and resources.

This pattern of neglect has also been reflected in the area of Federal employment. As you may recall, in November 1970 President Nixon announced a 16 point program to increase Federal employment opportunities for the Spanish speaking. Last year a House Judiciary Subcommitee held hearings on the effectiveness of this program. It was their unanimous and bipartisan conclusion that there had been "no significant increase in the level of Spanish-speaking employment relative to the total work force since the inception of the 16-point program."

During my investigations this year as a member of the Appropriations Committee, I found a similar lack of progress within such agencies as the Treasury Department, the Postal Service, and the Office of Management and Budget. The Department of Treasury, for instance, showed just 2.2 percent overall Spanish-speaking employment with only 0.7 percent at management levels—GS 13–18. Postal Service figures revealed 2.7 percent Spanish-speaking employment with only 0.9 percent in postal executive service categories. And the Office of Management and Budget, which formulates the President's budget and evaluates equal employment performance, produced the worst record with only 0.8 percent Spanish speaking. This is the reason why this committee was established.

It is the purpose of the Cabinet Commitee to help reverse this Federal neglect and seek viable solutions to Spanish-speaking needs without involvement in partisan politics. As long as there continues to be a serious lack of opportunity and political representation for the Spanish speaking, there is need for a cabinet-level unit. This bill offers a constructive approach which will strengthen this agency and return it to the original intent of the legislation. I urge you to join me in adopting this approach and renewing our commitment to serve the Spanish speaking.

Mr. HAWKINS. Mr. Chairman, I strongly support H.R. 10397, a bill authorizing appropriations to continue the Cabinet Committee on Opportunities for Spanish-Speaking People.

It is urgent that we take immediate steps to insure that Federal programs meet the critical needs of our Spanish-speaking and Spanish surnamed persons—many of whom are disadvantaged in employment, education, housing, and health care.

I think it is a shame that while this Cabinet Committee has been in existence since 1969, problems of our Mexican-American citizens and other Spanish speaking individuals seem to have grown in intensity and magnitude.

The median income for these groups in our population is 30 percent less than that for the general population. Over 80 percent live in substandard housing. Of the children, less than half complete high school; only 3 percent complete college. And, employment discrimination is rampant.

These problems arise out of both a language barrier and ethnic discrimination. In addition, as a society we have tolerated too long a general laxity in understanding the contribution that persons of Spanish-speaking ancestry have made in the creation and expansion of our Nation and the American culture.

H.R. 10397 will not correct all that is wrong. It will, however, do two things that will specifically improve conditions.

First, the Cabinet can advise Federal departments and agencies regarding the needs and programs to meet the special problems.

Next, the regional and local offices can bring the programs into the local communities and make Spanish-speaking people aware of what rights and opportunities are available as well as actually assisting them to obtain these rights.

Mr. Chairman, H.R. 10397 should be adopted as an initial beginning. Much more should and must be done in my opinion.

We should expand special educational and training programs, increase funds for bilingualism, establish more minority business enterprises, encourage housing projects, strengthen our enforcement of laws against discrimination, and bring our migrant farm workers into society's mainstream.

It is time we get on with this unfinished business of American democracy. Equality of opportunity and justice for all have no meaning unless implemented. Let us therefore continue and fully fund the Cabinet Committee. And let the Congress this time make sure the job is done.

Mr. HORTON. Mr. Chairman, I have no further request for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes", approved December 30, 1969 (83 Stat. 838; 42 U.S.C. 4301), is amended as follows:

(1) Section 2 is amended—

(A) in subsection (b) thereof, by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon, and by adding after paragraph (12) the following new paragraphs:

"(13) the Secretary of Defense;

"(14) the Secretary of Transportation; and

"(15) the Administrator of Veterans' Affairs.";

(B) in subsection (e) thereof, by striking out "quarterly" and inserting in lieu thereof "semiannually"; and

(C) by adding at the end thereof the following new subsection:

"(f) A group of fourteen individuals in addition to the Chairman, each of whom shall represent one member of the Committee, shall meet at the call of the Chairman at least six times each year.".

(2) Subsection 3(a) is amended by adding at the end thereof the following new paragraph:

"(3) to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving assistance available by law.".

(3) Section 4 is amended by adding at the end thereof the following new subsection:

"(d) The Committee shall operate such regional offices as may be necessary to efficiently carry out the provisions of this Act.".

(4) Section 7 is amended—

(A) in subsection (a) thereof, by striking out in the first sentence "nine" and inserting in lieu thereof "eleven", and by striking out in the second sentence "Committee" and inserting in lieu thereof "Chairman".

(B) in subsection (b) thereof, by striking out the first two sentences and inserting in lieu thereof: "The Advisory Council shall advise the Committee with respect to such matters as may be of concern to the Spanish-speaking and Spanish-surnamed community. The Chairman shall submit all independently produced reports and studies to the Advisory Council for advice and comment. The President shall designate the Chairman and the Vice Chairman of the Advisory Council."; and

(C) by adding at the end thereof the following new subsections:

"(d) The Advisory Council shall conform to the provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. I).

"(e) The Chairman of the Committee shall

call and attend a meeting of the Advisory Council at least quarterly during each year.".

(5) Section 9 is amended by adding the following new sentences at the end thereof: "No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity, or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity, as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary. For the purpose of this section, the term 'election' shall have the same meaning as prescribed for such term by section 301(a) of the Federal Election Campaign Act of 1971 (86 Stat. 3), and the term 'Federal office' shall have the same meaning as prescribed for such term by section 301(c) of such Act.".

(6) Section 10 is amended by deleting the language therein and inserting in lieu thereof the following: "There is hereby authorized to be appropriated for fiscal year 1974 the amount of $1,500,000 and for fiscal year 1975 for a period ending December 30, 1974, the amount of $750,000, to carry out the provisions of this Act. At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia".

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 4, line 3, after the word "activity", add a period and delete all thereafter to and including the word "salary." on line 9, page 4.

Mr. WIGGINS. Mr. Chairman, there is obviously considerable support for this bill and now I have offered an amendment which will make the bill better.

I urge attention of the Members to the language which I have moved to strike by this amendment. In particular, I direct the attention of the Members to the bottom of page 3 of the bill. That is the new section which is intended to remove the Cabinet Committee from partisan political activity. I want the Members to know the amendment I have offered is consistent with that objective, an objective which I support. The new language offered by the committee reads as follows:

"No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity,".

Mr. Chairman, I leave that language intact and I support that language, but now I ask the Members to pay attention to what follows. On page 4, beginning with line 3, we find the following language:

or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary.

The activity referred to above is partisan political activity.

The language I have just quoted I wish to strike and I want to tell the Members why. My reasons are persuasive and are reasons which each Member can and should support.

First it is noted that this is mandatory language. The individual involved shall lose his salary. That is true notwithstanding the extent of the political involvement. It is to be noted, gentlemen, that it is possible that an individual employee may be involved only peripherally and only casually in any political activity, but this language mandates that he loses a month of salary.

I appeal to the sense of justice of the Members: Is that fair? Of course, it is not.

It is to be noted, too, that the stricture of losing salary applies whether or not the political activity in which the gentleman may engage is performed on duty or off duty.

I suggest that is an unwise extension of the law. If a Federal employee wishes to engage in partisan political activity off duty, why should he lose a month's salary for doing so? That is to impose a special rule on these employees which we do not impose on other employees of the Federal Government.

Moreover, why is it that the Government Operations Committee is coming out with this new rule, this new amendment to the Hatch Act? That subject is properly before the Post Office and Civil Service Committee. If we intend to modify the basic law to impose a special penalty to a narrow category of employees, I would suggest that the Post Office and Civil Service Committee, rather than the Government Operations Committee, should be the committee of Congress to recommend it to this body.

I think we all should know, too, that this is clearly an act of vindictiveness, in my opinion, against the Chairman of the Cabinet Committee.

The Chairman is an appointee of the President. He has been confirmed by the Senate of the United States, and although it is not clear beyond any peradventure of a doubt, it has generally been regarded that presidential appointees approved and ratified by the Senate are not subject to the Hatch Act. Unfortunately, the Committee has fashioned a special rule to apply to the Chairman of the Cabinet Committee.

The Committee had a good idea, but it drafted it imperfectly. My amendment, continues to prohibit partisan political activities on the part of the Cabinet Committee, but will not impose respect to the employees of that Committee.

Mr. Chairman, the fact that the administration supports the bill as a whole does not suggest it support the particular language which I have moved to strike.

Mr. Chairman, I urge support of my amendment.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the ban on partisan political activities in subsection 5 of the bill results from the committee's feeling that the Cabinet Committee cannot be effective if it is involved in partisan political activities. The staff of the Cabinet Committee is very small and its task difficult enough without being burdened by pressures to engage in partisan activities and suspicions that it has done so. Therefore, the committee has sought to make a clear and fast ban an all partisan political activities by the Chairman and employees of the Cabinet Committee.

There are four important points that should be made about the ban on partisan political activity:

First. The language defining banned partisan political activities would have the same effect as the ban imposed by the Hatch Act;

Second. The Chairman of the Cabinet Committee is clearly placed under this ban, by reason of the committee's finding that he does not fall within any of the exemptions of the Hatch Act;

Third. Congressional authority to ban partisan political activities by Federal employees has been recognized by the Supreme Court; and

Fourth. The Committee created a sanction for violators of the ban.

The method chosen for banning partisan political activity was shaped by current law prohibiting political activity by employees of the executive branch and the special circumstances of the Cabinet Committee. The language used to describe prohibited activity is similar to that found in the Hatch Act, 5 U.S.C. 7324, and the Federal Elections Campaign Act of 1971, 2 U.S.C. 452, which bans partisan activity by the Director and employees of the Office of Economic Opportunity. The bill states that the Civil Service Commission shall determine whether or not a prohibited action has been performed and, therefore, the rules and regulations and precedents of the civil service will apply.

The bill covers not only the employees of the Cabinet Committee, but also the Chairman. In the past, it has been assumed that the Chairman was exempt from the Hatch Act. However, a reexamination of the exemptions of the Hatch Act convinced the Committee that the Chairman probably should not be exempted. The only possible exemption that would apply is found in subsection d of 5 U.S.C. 7324, where it says in paragraph 3 "(a)n employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations to foreign powers or in the nationwide administration of Federal laws" are exempt. While it is clear that the Chairman is appointed by the President with the consent of the Senate, he, in fact, does not determine policy. All of the functions and powers of this act are given to the Cabinet Committee, and not to the Chairman. His role is to

serve as an advisor to the Cabinet Committee and Director of its staff. Thus, the Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People is not exempt from the Hatch Act.

The Congress has clear authority to limit the political activity of the officers and employees of the Federal Government. The Supreme Court, in *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947), which was the first major challenge to the Hatch Act, stated:

> The determination of the extent to which political activities of governmental employees shall be regulated lies primarily with Congress. . . . When actions of civil servants in the judgment of Congress menace the integrity and the competency of the service, legislation to forestall such danger and adequate to maintain its usefulness is required. (at 102–103)

This position was most recently upheld by the Supreme Court in the case of *United States Civil Service Commission* v. *National Association of Letter Carriers*, 41 LW 5122, June 25, 1973:

> Neither the right to associate nor the the right to participate in political activities is absolute in any event (citations omitted). Nor are the management, financing, and conduct of political campaigns wholly free from governmental regulation. We agree with the basic holding of *Mitchell* that plainly identifiable acts of political management and political campaigning may constitutionally be prohibited on the part of Federal employees (41 LW at 5127–5188).

Finally, we realize that the penalties of the Hatch Act, the strongest of which call for the suspension or exclusion of an employee who has acted illegally, would not be effective for the Cabinet Committee. The reason is that the Cabinet Committee will cease to exist December 30, 1974. If there were any charges considered under the Hatch Act, the penalties would be meaningless when imposed because the positions from which the employees would be fired would no longer exist. To make the ban meaningful, this bill would make illegal the use of funds for salaries after the date of an illegal partisan political activity. If the Civil Service Commission makes a finding that an employee had, in fact, performed such an illegal act, the GAO would not certify expenditure of funds for that employee's salary after the date of the illegal act and would undertake to have such wrongly expended funds returned to the Treasury under authority of 31 U.S.C. 71, 72, and 74. We have limited the amount of funds that a person would have to repay, however, to 1 month's salary.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

I definitely oppose the amendment because I believe the chairman of the committee does come under the Hatch Act. He does not determine policy, he merely implements it. He is there by virtue of the fact that the Congress established the committee and mandated the committee as a whole to deal with the problems of the Spanish speaking.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. HOLIFIELD. In support of the gentleman's statement, just made, I shall read from the Hatch Act. This is 5 U.S.C. 7324. It exempts the following people:

> The head or the assistant head of an executive department or military department.
>
> An employee paid from the appropriation for the Office of the President.

And this is the one that supports the gentleman's position:

> An employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of federal law.

The Chairman of the Cabinet Committee makes no policies. He and the Cabinet Committee, by the terms of Public Law 91–181, act in only an advisory capacity on policies made by other policymakers.

The law itself (Public Law 91–181) puts any policymaking, "rules and regulations" and advisory power in the committee, not in the chairman. Therefore, the Chairman is not exempt from the Hatch Act because of that very point.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. WIGGINS. Assuming the chairman to be under the Hatch Act, is the gentleman in the well aware of any provision in the Hatch Act which penalizes a covered employee for 1 month of his salary if he should violate one of its provisions?

Mr. ROYBAL. Is the gentleman implying that 1 month salary is not sufficient?

Mr. WIGGINS. I am merely asking whether this is a penalty we impose on other Government employees or a special rule to be carved out for employees of this one agency?

Mr. ROYBAL. It seems to me that this is the prerogative of the committee handling the legislation .

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. HOLIFIELD. Under the Hatch Act an individual can be suspended from his job permanently if he continues to disobey. This is a very mild punishment, if we want to put it that way. It does not suspend him, as the Hatch Act allows for political activity, for those people who are violating it. It just says he shall refund no more than 30-days' salary and that no part of the funds authorized shall be used for his salary from that time on.

Mr. ROYBAL. I thank the gentleman.

Mr. Chairman, the reason why I asked whether or not the withholding of 1 month's salary as a penalty was not sufficient is because I have seen time and time again violations on the part of members of the Cabinet Committee, and particularly the Chairman of the Committee.

Mr. Chairman, on one occasion I attended a banquet in Los Angeles, and heard more than a half hour's speech made by the Chairman of the Committee in which most of his remarks were against Members of this House. Most of all I resented that was because moneys made available by this Congress were used to help the Spanish speaking to pay for his transportation and his hotel bills. Had he been there on his own he would have been acting as just an ordinary citizen, but he was there representing the Cabinet Committee and at that time ignoring the problems of the Spanish speaking and spending funds made available by this Congress for the sole purpose of having that Committee deal with the problems of the second largest minority in the United States.

On various other occasions I also had the opportunity of hearing another Director of the Committee take on individual Members of this House. It is my understanding that there have been many occasions when again Directors have gone into the districts of various Congressmen to campaign against them, and on funds appropriated by Congress for the purpose for which the Committee was established. It was not the intent of this Congress—and surely not my intent when I originally sponsored the bill—to give anyone, including the Director of this agency all the funds he needed to go out and campaign against any Member of this House, whether it be Republican or Democrat. These funds were made available by Congress for a specific purpose and, in this instance, the purpose was to deal with the problems of the Spanish speaking of the United States of America.

Mr. Chairman, I think that this amendment should definitely be defeated.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I wish to associate myself with the remarks of the gentleman in the well, the gentleman from California (Mr. ROYBAL), and I rise in opposition to the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in support of this amendment.

I think the language in the bill is clearly an invasion of the jurisdiction of the Committee on Post Office and Civil Service, but be that as it may, I am wondering if we really mean business with respect to outlawing political participation on the part of anyone connected with this organization. If we really mean business, and if they do get into politics, they should be suspended with a view to kicking them out of the Federal service and depriving them of any Federal pay at all. That is what the amendment offered by the gentleman would accomplish. It would strike out this language and let the law apply.

Why the loss of 30 days' salary? That could mean practically nothing for participation in politics.

Mr. Chairman, I listened to the gentleman from California (Mr. EDWARDS) a few moments ago and I believe he said—I hope the gentleman will correct me if I am wrong—that there are children in the first grade of school in this country who are unable to speak English. Well, where does the responsibility

for that kind of a situation rest? Clearly it rests upon the home.

If a child has not learned to speak some English before he or she enters the first grade in school there is something radically wrong with the family.

What is this bill designed to do? Frankly, I do not know, unless it is to perpetuate the bureaucracy.

How is it proposed to educate, with $1,500,000 for the current fiscal year, and $750,000 for 1975, all of the Mexican and other Spanish-speaking children in this country or any substantial number of them enter the first grade without being able to speak English. How is it proposed to educate them on the money provided in this bill?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman from California. After all, I did use the gentleman's name.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding and for his observation.

My remarks had to do with the low level of bilingual education in this country.

It has been proven statistically that where bilingual education is available to families who are Spanish-speaking—and there are many wonderful families in the great southwestern part of our country who speak Spanish instead of English—where those programs for bilingual education are provided beginning in the kindergarten, first and second grades, the progress is outstanding and many of the problems that involve these children later in life because of their deficiency in language to begin with are eliminated.

I believe we should try to add to the appropriation in title I education for the bilingual education of children, and I regret to say it is still a pittance that Congress gives for these children.

Mr. GROSS. What is this bill? Is it the forerunner of more to come? Is there to be similar set-ups for the Italian and Polish people of this country? Where does this sort of thing end?

Mr. EDWARDS of California. Those ethnic groups do not have the same difficulty that the Spanish-speaking people have.

Mr. GROSS. That is what you say.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HOLIFIELD. I can assure the gentleman this is a very peculiar case which embodies between 12 and 14 million people who are in the disadvantaged position, the discriminated against position, and there will be no intention on the part of this Member of the House to bring bills for the Chinese, the Japanese, or anyone else, because they are not in the same situation that these people are. These people are not in that situation. They need help.

Mr. GROSS. What the gentleman is saying is further confirmation of my belief that this is a California-Texas bill. I scarcely heard any other Member speak in favor of it.

Mr. HOLIFIELD. No.

Mr. GROSS. The State of California, as I understand it, has about $900 million surplus in its treasury. I do not know about the State of Texas, as to whether it has a surplus, but they are pretty well heeled down there, as I understand it. If they have all that surplus, why does not the State of California take care of their problem and Texas do the same thing? Why ask the taxpayers of the country to do it for them?

Even with the pending amendment, this bill ought to be defeated.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my 5 minutes.

I am not opposing this bill in any way, shape, or form, but I merely want the record to show that I believe we had better take a longer look at some of this type of legislation in the future and to set some kind of a limitation as to where we are going to go in bilingual education.

This Nation between 1882 and 1914 had an influx of millions and millions of immigrants. We were able to weld together all of the nations of the Earth and their peoples who came here. Every language, every color, every creed. We developed something that was never done before and which will never be done again, that is, we developed a Nation of one-thought Americans.

My dad refused ever to answer us back in his native tongue when we were kids going to school because he wanted to learn what he called American. My father said when I was a boy that a man thinks in the language he speaks.

Bilingual and multilingual was the thing that destroyed Rome more than the lack of corn or any other item. Canada, as you well know, has been torn apart in bitter battles over the years because of the bilingual situation.

Sure these people need help, and I support it and go along with it, but do we have a goal in mind? Is it true at this moment that all of the official notices of the city of New York have to be printed bilingually? There were more Italian nationals in Little Italy in New York by percentage of population when my father got there in 1897 than there is a percentage of Spanish-speaking in any city or in any State of the Union today.

You have to learn the language. You say that they go to school without being able to speak English. I could not speak English when I went to school. My mother could not speak English.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, when I was in the first grade, half the kids in that room could not speak English. And if they had had Croatian teachers, Slovakian teachers, Serbian teachers, and Russian teachers, Italian and Polish teachers, they never would have learned to speak English. What do we want to do? Perpetrate these people so as not to be able to speak English forever and forever? Is that what we are up to?

As far as the Spanish-speaking people are concerned, I will say that half of them are here illegally, so that they ought to at least learn our language.

Mr. DENT. Mr. Chairman, I want to emphasize this, maybe because of the singular aspect of this, that we ought to continue this kind of a venture I do not know. But I do know this, that if we are at this point of bringing non-English-speaking Spanish children into Spanish classes to learn Spanish, then we are reversing the thing that was done that made this an American nation.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. HORTON. This bill does not have anything to do with what the gentleman in the well is talking about.

Mr. DENT. Mr. Chairman, I will just take my time back at that point. I know what the bill is all about, and I understand it, but we are adding again to the growth of a program that started on the basis of bilingual education. Now we are setting up a semi-Cabinet sort of position which will in turn become a Cabinet desk or something of that nature, and we will continue our children in the schools, and if they are already doing it with election notices in New York, I ask what do the children in the first grade have to do with election notices? And the State has to print bilingual election notices.

I want the Members to understand that I want to help where I can to ease the problems of any group, but when I am gone from here I hope that the Members will remember these words: That if we ever get to the point that we have conclaves of Spanish-speaking Americans then they will always be Spanish-speaking Americans.

If we analyze the Spanish-speaking groups in Los Angeles we know that they live as a unit. And that is why we broke up in this country the little Italys and the little Polands. We have broken them up to get them out so as to commingle in our society. At one time we were not allowed to walk on a certain street because we were foreigners or other such derogatory epithets. But we overcame that, and we overcame it with the English language.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, the point the gentleman from Pennsylvania makes has a lot of validity, but I am sure the gentleman realizes that this bill has nothing to do with bilingual education. We do have such a program, however, as the gentleman from Pennsylvania well knows. I do not know if the gentleman from Pennsylvania has supported that in the past, but it is in the education bill.

Mr. DENT. I did. I supported it in the past. Certainly I did. But I do not want to continue it.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think somebody is trying to cloud the issue a little bit here. I think everyone knows what is in this bill. I guess they also know that we have appropriated, I believe it is

about $109 million this year for bilingualism. And as I understand what is in this bill, all that is in this bill is to make sure that everybody knows and is kept on the alert as to how to dip into this $109 million. How much it is going to cost in the allotted time I do not know, because I am not that familiar with the bill.

I think the gentleman from Pennsylvania is making a valid point, that we cannot expect to continue this bilingualism on and on and on and on without creating a bilingual society. That may be desirable; it may be debatable. Certainly my proposition, I suppose, is debatable. But I do not think it is desirable in this country, at this late stage when we are approaching our 200th anniversary, that we start out to create a bilingual society. That is what I object to.

I understand what is in the bill. Do not try to becloud the issue. Everybody understands what is in this bill. All this bill is doing is saying, make sure you get your piece of pie so that next year instead of $109 million, it can be $119 million or $190 million, or God knows what. These programs never diminish. They never diminish.

If we create a bureaucracy to promote bilingualism for Spanish-speaking people, it will never get any smaller; I will guarantee that.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard the remarks of the last two speakers, and there is a great deal of merit in what they say. If we are actually moving in the direction of creating or encouraging the creation of separate enclaves of non-English speaking groups in this country, I would feel very strongly opposed to it. I would oppose the bilingual education bill; I would oppose this bill. To the degree that they encourage this sort of thing, I think we need to scrutinize them very carefully.

My understanding, if I may refer back to the bilingual education bill, is that it it not intended to encourage the speaking of Spanish; it is intended to face the reality that we have tens of thousands of Spanish-speaking immigrants who come in every year, and that they can best learn English if they are given teachers who speak their language, who can teach them English, using their language, and that the whole purpose is to expedite the process of acculturalization to which the two preceding gentlemen referred, the process of bringing these immigrants into the stream of the majority culture in this country. If it were anything else, I would not support it.

I believe we should encourage bilingualism. I think all of us who speak only English—and I am so handicapped—ought to be able to speak another language. But to encourage the kind of a country that we want, we should have a common language, and I could not agree more with the distinguished gentleman from Pennsylvania who made this point.

This particular bill before us—and I am sure the preceding two speakers are well aware of it—is intended to provide assistance in utilizing some of the programs that we have already authorized, but it is not a permanent program. This Cabinet level committee expires in another 18 months or less. Its purpose also is to bring the Spanish-speaking people of this country into the mainstream of the American culture, not to continue them as non-English-speaking enclaves of some sort. This is the reason I support this bill.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New Jersey.

Mr. PATTEN. I thank the gentleman for yielding.

Mr. Chairman, I live in a town where I probably can truly say that when I was in the fifth grade I was the only fellow in the room who could speak English. We had night schools afforded by the State and the local board of education always during the war years of 1918 and 1919, and in the twenties we made vigorous efforts to get the Polish, the Slovaks, and the Italians to go to adult education to learn to read and write English. There is nothing new about this.

If we have a 6-year-old Puerto Rican child in this country 3 months and his mother takes him to school, the child cries and tries to go back home. It is better to have bilingualism.

Our problem in our town is, with the work of all of the teachers and of all of the organizations, we do not get enough money out of this bill. We do not go to California and Arizona. We get very little, but our boards of education all through New Jersey are carrying on bilingual programs, and we are paying for that with local money. They did this in the 1920's.

Mr. BROWN of California. I thank the gentleman for his contribution.

Let me conclude by saying my only point is that we are seeking to develop with this legislation one culture, to overcome the kind of obstacles that exist because of these enclaves. We do have night school programs and adult education programs for the adults, but we do not teach the Spanish-speaking people to speak English by only speaking English; we have to speak Spanish.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. After a cursory reading of the report I got the impression that the main function of this bill was to provide fairly high level and well paying jobs for Spanish-speaking people. Could the gentleman disillusion me on this point? Is this really going to get down to the grassroots where it really does some good? Apparently in the past it has not. It has provided a number of high level jobs for Spanish-speaking people, and that is fine for the people who are represented, but is it doing any good for the ordinary chicano?

Mr. BROWN of California. I can tell the gentleman from my own experience that this program has done a great deal of good. In order to carry on a program we have to have people to administer it. In this particular program they have obviously sought to help Spanish-speaking people, and they have sought out competent Spanish-speaking people to administer the program, but that is incidental to the program itself.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman says this is a temporary program. Does the gentleman know of anything so permanent in the Federal Government as a temporary bureaucrat, who, of course, is fed at the public till?

Mr. BROWN of California. I think the gentleman's point is valid. But I think we have to scrutinize all the programs which we authorize to make such that they are performing well so that we can justify that they continue to exist.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I would like to remind the gentleman that the authorization for the Cabinet Committee expires on December 30, 1974.

Mr. BROWN of California. Yes.

Mr. HORTON. And to extend the program, Congress will have to enact new legislation.

Mr. BROWN of California. That is the point I made. I thank the gentleman for repeating it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

The question was taken; and on a division (demanded by Mr. WIGGINS) there were—ayes 40, noes 56.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 4, line 20, delete the sentence beginning "At least 50 per centum . . .".

Mr. WIGGINS. Frankly, Mr. Chairman, this amendment is much more important than the last one. I direct the attention of the membership on page 4 of the bill to the last sentence of the bill:

At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia.

Gentlemen, my amendment strikes the sentence which I have just read. To understand the reason for the amendment, one must understand the evolution of the Cabinet Committee and understand its objectives. The Cabinet Committee is not, nor was it ever created to be, an ombudsman for Spanish-speaking people in this country.

The Cabinet Committee was intended to focus its direction solely against agencies of the Federal Government.

In other words, the purpose of the

Cabinet Committee was to encourage members of the Cabinet to be mindful of the needs of the Spanish-speaking people, as they fashioned programs within their jurisdiction.

The Cabinet Committee did not deal with the public. It dealt with the Government and the agencies of Government. That is the history of the Cabinet Committee. The Government Operations Committee has reported a bill which is going to change that historical direction and change it in a rather fundamental way.

Much of the discussion on the previous amendment by the gentleman from Ohio and the gentleman from Pennsylvania becomes very much germane relative to this amendment.

Mr. Chairman, if we are going to mandate in this bill that there shall be regionalism, regional offices for the Cabinet Committee for the Spanish-Speaking, can we in justice deny to any other ethnic group the right to have a store-front operation in their city so that the needs of that minority group can be better served by Government? I think not. If the Cabinet Committee is going to act as an ombudsman for a Spanish-speaking minority group, then in fairness and in equity all other minority groups should be similarly represented.

But, the committee was never conceived to discharge that function. The committee was conceived to act only on the Cabinet, to encourage that agencies of governments respond to the needs of the Spanish-speaking. If we adopt the language in the bill, when we are going to start down a road which makes very relevant the discussions of the gentleman from Ohio (Mr. HAYS) and the discussions of the gentleman from Pennsylvania (Mr. DENT) because we most assuredly will be doing something visibly on the street for one minority and not for another.

I think the time is now to nip in the bud this concept of regionalism, this concept that the Spanish-Speaking Committee shall evolve into the general ombudsman for the Spanish-speaking people in this country.

Mr. Chairman, this is an important amendment. It reverses a fundamental change in direction contained in the committee bill, and I certainly urge its support. It is going to save all of us a great many headaches down the road if we stay away from this concept of regional offices for the Cabinet Committee.

Mr. Chairman, I urge an affirmative vote on my amendment.

Mr. STEELMAN. Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, the very simple intent here of the legislation is to decentralize the functions of the Cabinet Committee on Opportunities for Spanish-Speaking People. I think it might be worthwhile to review the history just briefly of the Cabinet Committee and its original purpose.

With all due respect to my distinguished colleague from California (Mr. WIGGINS) I had the occasion before becoming a Member of this body to work occasionally with the Cabinet Committee. Its original intent was indeed, as the gentleman stated, to work with members of the Cabinet, but it was also to work with members of the Cabinet toward seeing that Federal programs which apply to the Spanish speaking indeed were directed to the community level. I think that was a laudible objective.

Mr. Chairman, I have been critical of Federal programs in the past operated just here in Washington which have not affected the people for which they were designed. There is no program money in this legislation. All this is designed to do, and I think advisedly so, is not to grant new programs and give them to another agency, but rather to try to see that agencies which have programs for the Spanish speaking do get to the community level, to serve as a liaison force with these agencies and see that there is indeed delivery on the original congressional intent of those programs.

Mr. Chairman, I would say particularly to my colleagues on this side of the aisle that we have all supported our President's efforts at decentralization. The thrust of the new federalism is to decentralize governmental programs to see that there is progress with respect to the programs reaching the people for which they were intended.

What this seeks to do is complement the President's programs, the President's thrust with regard to new federalism. This is in the finest tradition of the new federalism. That is simply what we are trying to do here, to be sure that the function of the Cabinet Committee on Opportunities for the Spanish-Speaking parallels that of the decentralized 10 Federal regions and their Federal programs. The purpose of this agency, I would say again, is not to create new programs, but is simply to see that delivery is made of existing Federal programs.

I urge my colleagues on both sides of the aisle to defeat the amendment.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. STEELMAN. I yield to the gentleman from New York.

Mr. HORTON. I believe the gentleman has made an extremely important point. During our hearings on this bill, one of the things we were most impressed with was that so much of the work of this Cabinet Committee needs to be done in the field. We felt it was important in enacting this legislation to provide funds for regional offices. In other words, we want to get the work of the committee out into the regions where the people are, at the grassroots. We feel this will make it easier for them to find out what are the problems of the Spanish speaking, and to make it easier for the people who have these problems to come in and talk to someone in their own area, rather than to have to come to Washington, D.C.

If this amendment succeeds, there will be no required funding for these regional headquarters. If that is the case, they will never be set up.

I believe it is very important that we oppose this amendment and urge that the amendment be defeated.

Mr. STEELMAN. I thank my ranking Member.

I should like to say that I do intend to vote for the bill on final passage. Let me say to those who argue against its intent and who intend to vote against it on final passage that this amendment I believe, represents what we all stand for. If this bill passes and if this program continues, at least let us assure that delivery is made at the grassroots level. It is especially important with regard to the Spanish-speaking community because of the concentration of the population in 5 to 10 States of the country.

I urge the defeat of the amendment.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

I want to compliment the gentleman on the statement he has just made. There have been some flamboyant statements made here on the floor today that have nothing to do with this bill.

This is not a bilingual education bill. This is a bill to make available to the Spanish-speaking people who are in groups in Florida, in New York, in Texas, in Michigan, and in California.

I will read from the language of the bill and ask the Members to read the bill.

The bill, on page 2, section (2), subsection (3) says:

> To advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving assistance available by law.

That is the purpose. That is what we are talking about when we are talking about these regional offices.

We feel there should be someone there to tell these people, whether they be Cubans, Puerto Ricans, or other Spanish-Americans, "Here is a program already set up by law which you can avail yourselves of to learn the language, yes; to obtain vocational training, yes; to obtain educational training, yes; to obtain medical attention, yes."

These are the things we are talking about in this bill.

We in the committee unanimously considered that the place to do a lot of this work is right in these different areas of concentrated ethnic groups who speak Spanish. Many of them cannot speak English. We wish to give them an opportunity to know that they can go to a certain night school and learn English so that they can become American citizens in the full sense of the term.

I trust that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

The question was taken; and on a division (demanded by Mr. WIGGINS) there were—ayes 37, noes 55.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KARTH, Chairman of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, pursuant to House Resolution 602, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. HOLIFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 97, not voting 64, as follows:

[Roll No. 541]

AYES—273

Abzug	Ford, Gerald R.	Miller
Adams	Ford,	Minish
Addabbo	William D.	Minshall, Ohio
Anderson,	Forsythe	Mitchell, Md.
Calif.	Fraser	Mitchell, N.Y.
Annunzio	Frelinghuysen	Moakley
Archer	Frenzel	Mollohan
Arends	Frey	Moorhead,
Armstrong	Froehlich	Calif.
Ashley	Fuqua	Moorhead, Pa.
Aspin	Gibbons	Morgan
Badillo	Gilman	Mosher
Bafalis	Grasso	Murphy, Ill.
Barrett	Green, Pa.	Murphy, N.Y.
Bell	Gubser	Natcher
Biester	Gude	Nedzi
Bingham	Hamilton	Nelsen
Boggs	Hanley	Nix
Boland	Hanna	O'Brien
Bolling	Hanrahan	O'Hara
Brademas	Hansen, Idaho	O'Neill
Brasco	Hansen, Wash.	Parris
Breckinridge	Harsha	Passman
Brinkley	Harvey	Patten
Brooks	Hawkins	Pepper
Brotzman	Heckler, Mass.	Perkins
Brown, Calif.	Heinz	Pettis
Brown, Mich.	Helstoski	Peyser
Broyhill, N.C.	Hillis	Pickle
Broyhill, Va.	Hinshaw	Pike
Burgener	Hogan	Podell
Burke, Mass.	Holifield	Preyer
Burton	Holtzman	Price, Ill.
Carey, N.Y.	Horton	Price, Tex.
Cederberg	Howard	Pritchard
Chamberlain	Hudnut	Quie
Chisholm	Hunt	Railsback
Clausen,	Jarman	Randall
Don H.	Johnson, Calif.	Rangel
Clawson, Del	Johnson, Colo.	Regula
Clay	Jones, Ala.	Reid
Cleveland	Jones, N.C.	Reuss
Cohen	Jordan	Rhodes
Collier	Karth	Riegle
Collins, Ill.	Kastenmeier	Rinaldo
Collins, Tex.	Kazen	Roberts
Conable	Ketchum	Robison, N.Y.
Conlan	Kluczynski	Rodino
Conte	Koch	Roe
Conyers	Kyros	Rogers
Corman	Latta	Roncalio, Wyo.
Cotter	Lehman	Roncallo, N.Y.
Coughlin	Lent	Rosenthal
Cronin	Long, La.	Rostenkowski
Daniels,	Lujan	Roy
Dominick V.	McCloskey	Roybal
Danielson	McCollister	Runnels
Davis, Wis.	McCormack	Ryan
de la Garza	McDade	St Germain
Delaney	McEwen	Sarasin
Dellums	McFall	Sarbanes
Diggs	McKinney	Saylor
Dingell	Macdonald	Schneebeli
Donohue	Madden	Schroeder
Drinan	Madigan	Sebelius
Dulski	Mahon	Seiberling
du Pont	Mailliard	Shipley
Eckhardt	Mallary	Shriver
Edwards, Calif.	Martin, Nebr.	Sikes
Eilberg	Martin, N.C.	Sisk
Erlenborn	Mathias, Calif.	Skubitz
Esch	Matsunaga	Slack
Evans, Colo.	Mayne	Smith, Iowa
Fascell	Meeds	Smith, N.Y.
Findley	Melcher	Staggers
Fish	Metcalfe	Stanton,
Fisher	Mezvinsky	J. William
Flood	Michel	Stanton,
Foley	Milford	James V.
Stark	Tiernan	Wilson,
Steed	Towell, Nev.	Charles H.,
Steele	Treen	Calif.
Steelman	Udall	Winn
Steiger, Ariz.	Ullman	Wolff
Steiger, Wis.	Van Deerlin	Wright
Stokes	Vander Jagt	Wyatt
Stratton	Vanik	Wydler
Stubblefield	Waldie	Wyman
Stuckey	Walsh	Yates
Studds	Whalen	Yatron
Symington	White	Young, Alaska
Teague, Calif.	Widnall	Young, Ga.
Thompson, N.J.	Williams	Young, Tex.
Thone	Wilson, Bob	Zablocki

NOES—97

Ashbrook	Fountain	Myers
Bauman	Gaydos	Nichols
Beard	Gettys	Poage
Bennett	Giaimo	Powell, Ohio
Bevill	Ginn	Quillen
Blackburn	Gonzalez	Rarick
Bowen	Goodling	Robinson, Va.
Bray	Green, Oreg.	Roush
Breaux	Griffiths	Rousselot
Broomfield	Gross	Ruth
Burleson, Tex.	Haley	Satterfield
Burlison, Mo.	Hays	Scherle
Butler	Hechler, W. Va.	Shoup
Byron	Henderson	Shuster
Camp	Holt	Snyder
Carter	Huber	Spence
Chappell	Hungate	Stephens
Clancy	Hutchinson	Symms
Clark	Ichord	Taylor, Mo.
Cochran	Jones, Okla.	Taylor, N.C.
Crane	Jones, Tenn.	Teague, Tex.
Daniel, Dan	Keating	Thomson, Wis.
Daniel, Robert	Kemp	Vigorito
W., Jr.	King	Waggonner
Davis, Ga.	Kuykendall	Ware
Davis, S.C.	Landgrebe	Whitehurst
Dennis	Long, Md.	Whitten
Dent	Lott	Wiggins
Dickinson	McSpadden	Wilson,
Duncan	Mann	Charles, Tex.
Edwards, Ala.	Mazzoli	Wylie
Evins, Tenn.	Mizell	Young, Ill.
Flynt	Montgomery	Zion

NOT VOTING—64

Abdnor	Downing	Maraziti
Alexander	Eshleman	Mathis, Ga.
Anderson, Ill.	Flowers	Mills, Ark.
Andrews, N.C.	Fulton	Mink
Andrews,	Goldwater	Moss
N. Dak.	Gray	Obey
Baker	Grover	Owens
Bergland	Gunter	Patman
Biaggi	Guyer	Rees
Blatnik	Hammer-	Rooney, N.Y.
Brown, Ohio	schmidt	Rooney, Pa.
Buchanan	Harrington	Rose
Burke, Calif.	Hastings	Ruppe
Burke, Fla.	Hébert	Sandman
Carney, Ohio	Hicks	Sullivan
Casey, Tex.	Hosmer	Talcott
Culver	Johnson, Pa.	Thornton
Dellenback	Landrum	Veysey
Denholm	Leggett	Wampler
Derwinski	Litton	Young, Fla.
Devine	McClory	Young, S.C.
Dorn	McKay	Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Downing against.

Mr. Hébert for, with Mr. Flowers against.

Mr. Rooney of Pennsylvania for, with Mr. Denholm against.

Mr. Fulton for, with Mr. Owens against.

Mr. Biaggi for, with Mr. Rose against.

Mr. Talcott for, with Mr. Andrews of North Dakota against.

Mr. Maraziti for, with Mr. Johnson of Pennsylvania against.

Mr. Carney of Ohio for, with Mr. Andrews of North Carolina against.

Mr. Ruppe for, with Mr. Devine against.

Mr. Hammerschmidt for, with Mr. Baker against.

Mr. Guyer for, with Mr. Abdnor against.

Mr. Sandman for, with Mr. Young of South Carolina against.

Mr. Blatnik for, with Mr. Dorn against.

Mr. Hicks for, with Mr. Alexander against.

Mr. Gray for, with Mr. Landrum against.

Mr. Brown of Ohio for, with Mr. Hosmer against.

Mr. Bergland for, with Mr. McKay against.

Mr. Gunter for, with Mr. Mathis of Georgia against.

Until further notice:

Mr. Moss with Mr. Zwach.

Mrs. Burke of California with Mr. Hastings.

Mr. Culver with Mr. Goldwater.

Mr. Leggett with Mr. Grover.

Mr. Thornton with Mr. Buchanan.

Mr. Casey of Texas with Mr. Burke of Florida.

Mr. Harrington with Mr. Anderson of Illinois.

Mrs. Mink with Mr. Dellenback.

Mr. Patman with Mr. Derwinski.

Mr. Mills of Arkansas with Mr. Eshleman.

Mr. Rees with Mr. Young of Florida.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT OCTOBER 19, 1973, TO FILE REPORTS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RESIGNATION FROM NATO PARLIAMENTARY DELEGATION

The SPEAKER laid before the House the following resignation from the NATO parliamentary delegation:

WASHINGTON, D.C.,
October 17, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I regret that I will have to resign as a member of the NATO parliamentary delegation due to the unfortunate scheduling of committee sessions on land use and surface mining legislation in the Committee on Interior and Insular Affairs. I informed the Chairman of the Delegation, Congressman Wayne Hays, of this problem on October 12.

I was extremely honored to have been asked to join the delegation, and I want to thank you for your consideration in appointing me to the group.

With kindest personal regards, I am

Sincerely,

PHILIP E. RUPPE,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER laid before the House the following resignation from the North Atlantic Assembly in Turkey:

WASHINGTON, D.C.,
October 17, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Due to unforeseen circumstances, I find that I will not be able to attend the 19th annual session of the North Atlantic Assembly which will be held from October 22nd through the 27th in Ankara, Turkey, as I had previously planned to do.

I very much appreciate your appointing me to the United States Congressional Delegation which will be participating in these meetings and sincerely regret that circumstances now prevent my participation.

Sincerely,

BOB MATHIAS,
U.S. Congressman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER laid before the House the following resignation from the North Atlantic Assembly in Turkey:

WASHINGTON, D.C.,
October 15, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Due to unforeseen circumstances, it will not be possible for me to be a delegate to the North Atlantic Assembly meeting to be held in Ankara from October 21st through October 27th. I want you to know I appreciate the appointment and regret that I am unable to be in attendance.

Sincerely,

L. C. ARENDS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, the Chair appoints as members of the U.S. group of the North Atlantic Assembly on the part of the House, to fill the existing vacancies thereon, the gentleman from Ohio, Mr. POWELL, and the gentleman from North Carolina, Mr. MARTIN.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 54. Concurrent resolution providing for the adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2016) entitled "An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to the House amendment to the Senate amendment numbered 34.

PERSONAL EXPLANATION

Mr. JOHNSON of California. Mr. Speaker, on rollcall 538 I was not recorded as voting. I was in the Chamber and placed my card in the box. Had I been recorded I would have been shown as voting "aye."

PERSONAL EXPLANATION

Mr. PRICE of Illinois. Mr. Speaker, on page 34448 of the RECORD of October 17, 1973, on rollcall 535, a quorum call, I am recorded as not being present. I was present and recorded my presence and I ask that this statement appear in the RECORD.

SENATE AMENDMENT ON H.R. 9639, NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. PERKINS. Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, with a Senate amendment to the House amendment to the Senate amendment No. 5 thereto, and concur in the Senate amendment No. 5.

The Clerk read the title of the bill.

Immediately before the first word of the House amendment to the Senate amendment insert the following sentence: "Notwithstanding the foregoing sentence, no such special assistance factor shall, for any State, be less than the average reimbursement paid for each free meal (in the case of the special assistance factor for free lunches), or for each reduced price meal (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972."

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. QUIE. Mr. Speaker, since the House has already adopted the conference report and since the other body added an amendment afterward when they adopted the conference report, is there anything we can do other than defeat the motion before us? Is there any way we can have a separate amendment to strike out?

The SPEAKER. The House can either accept or reject the Senate amendment.

Mr. QUIE. I thank the Speaker.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry, if the gentleman will yield.

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, are there copies of this amendment available? Are they printed and available to the Members?

Mr. PERKINS. It has been printed in the RECORD for several days. The CONGRESSIONAL RECORD of October 16, 1973, contained a printing of the amendment. It has been printed since then.

Mr. GROSS. That would be the RECORD we received yesterday, then?

Mr. PERKINS. Yes.

MOTION OFFERED BY MR. PERKINS

The SPEAKER. The Clerk will report the motion offered by the gentleman from Kentucky.

The Clerk read as follows:

Mr. PERKINS moves to concur in the Senate amendment to the House amendment to Senate amendment No. 5.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, when the gentleman from Kentucky finishes his 5 minutes, does he intend to yield me half the time?

Mr. PERKINS. Mr. Speaker, I intend to divide the time equitably between the minority and the majority.

Mr. QUIE. Mr. Speaker, would that be half and half, 30 minutes to each side?

Mr. PERKINS. Yes.

Mr. QUIE. Mr. Speaker, I thank the gentleman.

Mr. PERKINS. Mr. Speaker, this Senate amendment relates to the manner in which section 11 payments for free and reduced-price lunches are computed. One of the provisions of H.R. 9639 revises the existing manner of allocating moneys for free and reduced-price lunches from a formula allocation to a reimbursement on the basis of the number of such lunches served. The amount of section 11 funds a State will receive is determined by multiplying the number of free and reduced-price lunches served in the State by a special assistance factor.

H.R. 9639 establishes a minimum special assistance factor of 45 cents for free lunches and 35 cents for reduced-price lunches. These minimum figures represent a 5-cent increase over last year's minimum rates. Despite these increases, however, concern has been expressed that certain States—States which took advantage of a provision in existing law which allows additional assistance to especially needy schools—would suffer a reduction this year in the amount of section 11 funds.

Assuming that the Department were to pay the minimum rate of 45 cents for free lunches and that the same number of free lunches are served this year as were served last year, we are advised that New York, New Jersey, Rhode Island, and Maryland would receive fewer section 11 dollars. This is so because in these States, certain severely needy school districts received extra payments last year with the result that the section 11 State average payment for New York was 46.5 cents, for New Jersey it was 45.8 cents, for Rhode Island 45.5 cents, and for Maryland 45.4 cents.

The Senate amendment is essentially a State hold harmless provision. It would guarantee that the average reimbursement rate paid to a State would be no less than the rate paid in fiscal year 1973. The result this year would be that in New York the rate would be 46.5 cents rather than 45 cents, in New Jersey 45.8 cents rather than 45 cents, in Rhode Island 45.5 cents and in Maryland 45.4 cents. In dollars, New York will receive an additional $1,852,000, New Jersey will receive $260,000, Maryland $82,000, and Rhode Island $77,000. The total added cost of the Senate amendment is $2.4 million.

Mr. Speaker, I believe this is a fair and equitable amendment and in my judgment will insure that the intent of the Congress is carried out. It is in keeping with the spirit and intent of H.R. 9639 and I urge that the House concur in the Senate amendment.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield at this point?

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, as I understand the chairman's explanation of this, in light of previous history and the existing formula, New Jersey, Rhode Island, and Maryland would be in effect held harmless by this conference report provision; is that correct?

Mr. PERKINS. That is correct. The average rate of reimbursement cannot be less than the 1973 average rate.

Mr. THOMPSON of New Jersey. In other words, 45 cents is not, in the intention of this body or the other body, the maximum. Rather, it is the minimum; is that correct?

Mr. PERKINS. Let me explain it this way: The present law permitted the States under section 11 if they had needy schools to go above the minimum, which was 40 cents for free lunches and 35 cents for reduced-price lunches. The law permitted them to go above that and make extra funds available. Because of these payments in New York, New Jersey, and the other two States, the average rate was above 45 cents.

Mr. THOMPSON of New Jersey. New York, New Jersey, Rhode Island, and Maryland.

Mr. PERKINS. They received additional reimbursement.

Mr. THOMPSON of New Jersey. To make it absolutely clear for the RECORD, the interpretation that 45 cents was the maximum by the Department of Agriculture is erroneous and in fact the intention is that 45 cents be the minimum, and under section 11 the enumerated States go up to their 1973 rates. In New Jersey this would be 45.8 cents.

Mr. PERKINS. That is correct. A State cannot be paid at a rate less than the average rate in fiscal year 1973.

Mr. THOMPSON of New Jersey. I thank the gentleman.

The SPEAKER. The gentleman from Kentucky has consumed 5 minutes.

Mr. PERKINS. Mr. Speaker, I yield myself an additional 5 minutes.

Mr. Speaker, these States were planning on and have budgeted their school lunch programs, and their contributions from the State, in anticipation of increased help under the conference report we had before the House the other day.

I personally felt that the language in its new section 11 was flexible enough to permit the Secretary of Agriculture to go above the 45 cents in certain needy cases for reduced and free school lunches. Nevertheless, the Senate did not agree, and accordingly adopted the amendment before us. The effect will be to hold harmless these four States from any loss.

Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I urge the House to vote down the Senate amendment. The reason is that it is designed to benefit only four States at the expense of the taxpayers of all the other States.

To treat these four States which are mentioned different from all the other States on the average payments for free and reduced-cost lunches is what is involved.

Let me point out that this does not provide less money for those States for their lunch programs than the year before. It is not less than the aggregate of what they received before. It only has to do with section 11 and free lunches.

Also, the language was the same in both the House and the Senate bill with respect to free lunches. The House has already adopted the conference report. This matter was not a part of the conference report. It went over to the other body, and they added the amendment. They should have only voted up or down on the conference report.

I believe if we accept this the result will be inequitable.

Let me give the Members the background.

Under the old law, prior to the amendments proposed to be made to section 11 of the School Lunch Act, by H.R. 9639—and the proposed language is identical in both the House and the Senate versions and was not in issue in conference—the minimum cash support for all States for free lunches before this was 40 cents. However, there was a provision that any school which could establish to the satisfaction of the State Education Agency that it was "especially needy" could receive a higher rate, up to a maximum prescribed by the Secretary. That maximum for fiscal year 1973 was 50 cents.

Under the law, as unamended by this bill, there was no control over the number of schools a State agency might declare "especially needy," because if more money was needed by the State, that is, if their average for free and reduced price meals went above 40 cents, Federal funds were simply appropriated to make up the difference.

H.R. 9639 changes that. First, it raises the average payment for free lunches for all States to 45 cents, and it permits the Secretary to set a higher rate for meals served in especially needy schools to not less than 60 cents. But the higher rate would no longer be made up from additional Federal appropriations; it would have to come from the average of 45 cents, which would apply to all States.

Now, in fiscal year 1973, as was mentioned, in only four States, New York, New Jersey, Rhode Island, and Maryland, did the average rate of cash reimbursement for free lunches exceed 45 cents. In New York it was 46.5 cents; in New Jersey, 45.8 cents; in Rhode Island, 45.5 cents; and Maryland, 45.4 cents.

Now, why did the average rate exceed the new minimum average of 45 cents, as proposed in H.R. 9639? Largely, it was because these States took undue advantage of the "especially needy" school provision on which a higher rate of 50 cents per lunch was paid.

In Maryland 48 percent of all free lunches served were in schools declared to be "especially needy"; in Rhode Island it was 51 percent; in New Jersey it was 53 percent; and in New York it was a whopping 68 percent, with the tab picked up by the taxpayers of all the other States.

California, for example, held the average cost of a free lunch down to 38.8 cents last year, even below the 40 cents average, but in California less than 1 percent of free lunches served were in schools declared "especially needy."

Now Californians are asked in this Senate amendment to bail out the less prudent New York educational agencies and to help pay for a higher rate in New York in perpetuity.

Illinois declined to declare any of its schools "especially needy" under the act and held its average rate to 40 cents. Incidentally, Illinois provides State support for free lunches at 15 cents per lunch, coming from State funds, as compared with only 2 cents in New York, 1½ cents in Maryland, 1¼ cents in Rhode Island and 4 cents in New Jersey. Yet, Illinois taxpayers, under the Senate amendment, are going to be asked to pay for the higher rates for those four States.

About the only State which even comes close to the new 45 cents cash payment average is Michigan, with 44.7 cents, but they have had a high 48 percent of all

free lunches served in schools they had declared "especially needy," and, therefore, paid at a rate of 50 cents per lunch. Even so, Michigan will not benefit from this amendment, because its 1973 average is still below 45 cents.

Mr. Speaker, even here in the District of Columbia, with its preponderance of needy children, the average cash support for a free lunch was held below 40 cents. In Florida, with 43 percent of the lunches served in schools designated "especially needy," the average rate was held below 42 cents, and in Alabama, with 41 percent in the "especially needy" schools, the rate was held below 40 cents.

In Massachusetts, a high cost of living State, they served 36 percent of their free lunches in schools designated as "especially needy," and yet they held their average cost last year to 40.4 cents. And, of course, Massachusetts provides State support for free lunches at about 6 cents per lunch, as compared to 2 cents in New York.

Yet Massachusetts, nor any of these other States I have mentioned, will be benefited by the Senate amendment. Instead, Massachusetts taxpayers will join those in the other 46 States and the District of Columbia in helping bail out New York, New Jersey, Maryland, and Rhode Island.

Pennsylvania is a large, high-cost State with many poor children and major cities with major problems—yet it served 32 percent of its free lunches in schools designated as "especially needy" and still held its average rate in 1973 to 40.5 cents. So Pennsylvania will not be benefited by the Senate amendment.

In fact, Chairman PERKINS' home State of Kentucky—despite all its poor areas—exercised discretion and served only 6 percent of free meals in schools designated to receive the 50-cent rate. So it held its average cash payment to the Federal allotment of 40 cents. Why in the world should Kentucky now receive less favored treatment than New York, New Jersey, Rhode Island, and Maryland?

The Senate amendment I am describing would "hold harmless" those States which in 1973 had an average cash payment for free lunches in excess of the new 45-cent minimum. In short, only those four States I have mentioned. The amendment would say that the average rate of cash reimbursement for free and reduced-cost lunches would never be less than the rate in fiscal 1973. Since under the amended act the rate would be 45 cents, only those four States with a 1973 rate of above 45 cents would benefit by this amendment. Moreover, these four States would receive the higher rate forever while the remaining States would receive only the new 45-cent average.

There is not any way to justify this kind of legislation. It is clearly inequitable and wrong in principle. So, I strongly urge that the House reject the Senate amendment.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, the gentleman from Minnesota pointed out that at least it was his interpretation some of these States have taken undue advantage of the especially needy sections of the bill. I think two points ought to be made here.

First of all, New York State, which is a heavy loser in the interpretation of the department, is in the top 10 percent of the State contributors to the school lunch program. New York State provides 50 percent more for its free lunches than the gentleman's own State of Minnesota, which only provides 1.4 cents per meal. So I think it is rather unfair to describe what has happened with these especially needy sections as taking undue advantage. This may be. But one cannot say so with certainty.

If the gentleman from Minnesota were saying let us take a look at this and find out if this is what is happening and close this loophole, if that is what is happening, then I would agree with him. Indeed I think we ought to take a look at this and compare these especially needy schools in these States with what might be the same in other States.

But the facts we are faced with now are school lunch programs have been commenced for the year; budgets have been drawn and the effect of the interpretation of the gentlemen of the department would be to deprive the State of New York of $1.8 million, the State of New Jersey of some $260,000; and in a tightly run school lunch program and in a time of soaring food prices this can be a body blow to a good school lunch program in any one of those States.

Further I would like to point out that if we assume the gentleman from Minnesota is correct and that this gaping loophole exists, then the amendment offered by the gentleman in the other body, Senator JAVITS, has closed this loophole that the gentleman is talking about, because it has put the hold harmless agreement in, and with the present interpretation of the department, that constitutes a total closing of this loophole for this fiscal year.

So I would join the gentleman from Minnesota in saying to this House that I think we should look into it. I think we should look into it this year. And if this is, indeed, a loophole, then we ought to plug it, because I feel much the same as the gentleman from Minnesota does, I do not think it should be let go longer than a year. But to cut it off without really knowing what is going to happen, to cut it off in the middle of the school lunch program, and with the uncertainty that we cannot agree with the Senate and then go back into the old program where all of the schools in the Nation will suffer, I cannot go along to that extent.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does the gentleman from Washington not agree that the Senator from New York was well aware of the fact that the school year had started when he offered his amendment?

Mr. MEEDS. Yes. The amendment of the Senator from New York, however, is corrective to a poor interpretation by the Department.

Mr. GROSS. That is a matter of some discussion.

Mr. MEEDS. We might have differences on that.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman from Washington for yielding to me.

I just wanted to say, Mr. Speaker, that this legislation does correct a loophole. Every State now will be able to have an average of 45 cents per free lunch that is suggested. They can now go up to 60 cents to the special needy, but they will have to take it from some other place in the State, they cannot make their decision and then have the Federal Government automatically pay what they decide.

Mr. MEEDS. And that is the thrust of the old law which we will have to go back to if this bill is beaten, and we cannot get an agreement with the other body.

Mr. QUIE. We have already adopted the conference report. Go over to the other body and count the number of Senators over there. I cannot see the other States will ever permit the legislation to die when the schools are standing out there ready to receive this money, and pay for the lunches and help the children out, because of four States that want more money than the other States get, and that they want the other States to pay for them.

If these four States, for instance, were to have an extremely difficult problem, or assume, say, that one of them was Alaska, and that we said we should study because of the high costs, that would be a different situation, but that is not the case with the States of New York, New Jersey, Rhode Island and Maryland; they want to have more money.

Mr. MEEDS. I am saying that these four States based their budgets under what the status of the law was at that time. I think they are entitled to be held harmless for this year. And that is the sole question before this body right now.

If the gentleman from Minnesota is saying that we should look into it, then I agree with the gentleman, and indeed maybe we ought to change it in the future. But the question is, right now, whether those four States are going to be held harmless under the circumstances existing at this time.

And I submit that what I have said with regard to the preparation of their budgets and with regard to the uncertainty if we have to go back to the other body, that 1 year does not make that difference.

Mr. QUIE. If the gentleman will yield further, I suggest that the gentleman from Washington has made one point, and that is that I would not be standing up here opposing it for 1 year. Because, as I said to the Senator from New York, that if they want a hold harmless for just 1 year I would not object. And I said to the gentleman from Kentucky, if we can change this so that they are held

harmless for 1 year, then I would not object, but this is hold harmless in perpetuity. If one will look at the legislative intent from the colloquy between the Senator from Alabama (Mr. ALLEN) and the Senator from New York on the amendment, the gentleman will find it was intended to be in perpetuity.

Mr. MEEDS. I am not the sponsor of the amendment, and I cannot interpet their intent. If the gentleman had agreed with me the other day in colloquy we would not be in the position we are in now, and we would be in a much better position to get back into this program.

As far as I am personally concerned, I would say that it is only for 1 year. I would say we ought to go back and see about it, and I believe we ought to go back, and, if, indeed, there is a loophole that the gentleman says there is, we would step in. I cannot say that it is that.

Mr. QUIE. I would say, if the gentleman will yield further, the way to take care of that is to vote down the Senate amendment and let them put in a 1-year provision, if that is what they want.

Mr. MEEDS. If we vote down the Senate amendment, we are then left with the uncertainty that may leave all of the schools in this Nation in terrible condition.

Mr. QUIE. If the gentleman will yield on that, the other body has some responsibility here.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, we are in an unusual situation which, I must say, I do not like to find myself in, and I do not think the House ought to find itself in. We have adopted the conference report. A part of what we did when we adopted the conference report was then the adoption of certain amendments in disagreement, amendments that came in disagreement because they were outside the purview of the conference report.

What the House did when it adopted those amendments was then to send it back to the Senate, and the Senate, by coming in through the back door, has amended a House amendment to a Senate amendment and sent it back here for us to either reject or accept. It is the Javits amendment offered by the gentleman from New York affecting four States, holding harmless those four States, because of the action of the report on this bill which closes a loophole.

In all honesty I do not comprehend, nor do I understand, nor do I really believe it is right for this House to fall over and play dead to an amendment that is so special, to an amendment that is wrong, to an amendment that says 46 States should pick up the tab for what 4 States have been doing historically, and that is the substance of the issue that is before us today.

Why should Wisconsin, which has an average free meal price of 40 cents, which did not go up to the 45 cents, pay for the additional funds that have come in through the State of New York, New Jersey, Maryland, and Rhode Island, where they had an average of 45 cents-plus?

The conference report, as the Members of this body will remember when we adopted it, said that each State may now have an average 45 cents free meal. Those four States in fiscal year 1973, because of an open-ended piece of legislation that allowed them to make some judgments about how many needy schools they would pick, had an average cost above that 45-cent level that is contained in this bill. So the issue that this House faces today is whether we should allow the other body to whipsaw us by coming in at the very last moment on a matter that was not in the conference, but was allowed to come into this conference because of the use of amendments in disagreement, and to force us—or so they think—to pick up the tab for four States, rather than attempting to equalize, as this bill does.

I would say to the Members quite honestly that this House today ought to follow the advice of the gentleman from Minnesota. We ought to reject the Senate amendment, send it back to the other body, and then let that body make a decision. Will they then recede, as I hope they would, or will they send back to us another amendment to provide only a 1-year period of time, in light of what the gentleman from Washington has said? I, frankly, think that we would not object to a simple 1-year period, but to do it forever is dead wrong, and I hope the House rejects this amendment.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. I am very impressed by the statement made by the gentleman from Wisconsin and the gentleman from Minnesota. It seems to me that there is no emergency on this thing. The distinguished chairman of the Committee on Armed Services has already, as a result of the action taken yesterday, stated that we might be here until Thanksgiving.

I think we ought to reject the Javits amendment and not let the Senate do what they have done to us, but to do the thing properly and not subsidize the four States.

Mr. STEIGER of Wisconsin. I am grateful to the gentleman from California. He is absolutely right.

Mr. Speaker, I urge rejection of the amendment.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, it seems to me the argument right now of whether we should be giving in to the other body or not is absolutely not to the point at all.

We are talking about school lunches for children. Specifically, we are talking about school lunches for the specially needy. Nobody has really spoken about the specially needy. The specially needy falls into a special category of schools where the majority of children, in excess of 75 percent, are at the poverty level or below, and where they really must have school lunches. For many of them it is the primary meal, if not the only meal of the day.

I think it is important to recognize that no State loses one penny of money if this conference report is agreed to. Nobody is going to take a deduction.

I have heard it mentioned that some States would be paying for other States to receive additional money under this bill. Everybody pays taxes, and if we used this criteria across the board and started measuring the taxes that one State pays, as against the benefits that that State receives, we would never be able to pass effective legislation. Under this bill, no State loses money.

There are many children in the specially needy category. In New York State alone there are over half a million children who fall into the specially needy formula. For us to take money away from them at this time just does not make good sense to me.

To stand on the argument that the other body has violated a parliamentary procedure of ours, I do not think makes sense. We can argue those cases, if we want, on other bills; but I certainly ask that we pass this conference report and include the children in the specially needy category in these four States.

Mr. PERKINS. I yield myself 1 minute.

Mr. Speaker, the gentleman from Minnesota (Mr. QUIE) stated that the amendment would extend into the future, and he is correct, the way I read the amendment. But sometime this year it is the intent of the committee to make sure that this extra consideration, this special consideration, does not go beyond 1 year. At this time however, in the interest of the overall program, I felt that we should concur with the amendment. Under present law, last year these four States were reimbursed at a rate in excess of 45 cents. They have planned and budgeted at least this amount, and I feel we should not now undertake to curtail their school lunch programs even though it is going to cost an extra $2.4 million. This amount will not come from the other States.

I feel we should go along and concur in the Senate amendment.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I will say to the gentleman that if we wait, there are always ways to delay legislation and prevent it from coming out. We can take care of it right now by voting down the Senate amendment. Then we have this under control. It is before us now and we can vote on it right now.

Mr. PERKINS. Let me state to the gentleman that the authority existed in the Secretary under the present law to make these extra payments and in good faith those States relied on the amount they would receive during this current school lunch year. I feel we should go along for this 1 year.

Mr. QUIE. If the gentleman will yield further, the law prior to this amendment provided that the schools would ask the State education agency, and if that State

agency approved, as they did in the State of New York, the Secretary could not turn it down. So they put 68 percent of their free lunches under it, compared to 6 percent in the gentleman's State.

Mr. PERKINS. Yes, but that was in accordance with the law at the time.

Mr. QUIE. The old law tied the Secretary's hands. He could not keep those States under control. This legislation comes in, and now the Senate is trying to preserve the inequity.

Mr. PERKINS. Mr. Speaker, I would not consider it trying to preserve the inequity. I feel we are trying to do justice here. The amounts necessary to meet the hold harmless provision will not be taken from other States.

Mr. Speaker, I feel we should concur with the amendment.

Mr. ST GERMAIN. Mr. Speaker, the passage of this hold harmless provision is only fair and just. The clear intent of the Congress, the whole purpose of this bill, is to provide more assistance—not less assistance—to the States for the school lunch program. It would be a travesty to pass a bill that might be interpreted to result in fewer funds going to some States, including Rhode Island, under section 11. The overriding intent of the Congress would be frustrated. We are acting on this bill, because of the proven and acknowledged need for an increase in Federal subsidies for school lunches. We are all aware of the sharp increases in food costs. There is no need for me to linger on that point. I am sure that my colleagues in the House do not wish to penalize four States and put those four States in the position of suffering a reduction of funds instead of an increase.

But the existing language needs clarification so that this possibility is plainly excluded. The amendment before us is necessary to guarantee that there is no misunderstanding to the detriment of New York, New Jersey, Maryland, and Rhode Island.

The Senate approved this change without objection, and I ask my colleagues in the House to recognize the equity of the situation and approve this amendment.

Mr. RODINO. Mr. Speaker, I rise in strong support of the Senate amendment to the conference report on the school lunch amendments bill, H.R. 9639. It is extremely vital to my State of New Jersey and three other States which have been providing essential additional funding, with Federal reimbursement, for lunches in especially needy schools. In New Jersey, it is estimated that some 88,000–90,000 children may be adversely affected without approval of this amendment.

At first glance, it would appear that the provisions agreed upon by the conferees would simply increase the Federal reimbursement level, which no one would dispute is necessary to prevent a severe financial crisis due to the unprecedented rise in food costs. The conference report provides for funds to be apportioned on a performance basis, with each State receiving a minimum of 45 cents times the number of free lunches provided. This is an increase of 5 cents over the minimum free reimbursement last year of 40 cents.

However, in New Jersey, New York, Rhode Island and Maryland—States with extreme concentrations of especially needy children—it was impossible to provide the necessary school lunches for 40 cents. Under the previous act, it was possible to apply for additional funds. New Jersey did so, and the overall average reimbursement rate was 45.8 cents. So it is obvious that the bill, unless we accept the Senate amendment, by changing the method of payment to a uniform, average system throughout the country, will mean that New Jersey, and the other States involved, will actually receive less money than they have been receiving.

Mr. Speaker, this is certainly not the intent of the legislation, and I strongly urge adoption of the Senate amendment in the interest of justice, equity and humanity.

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 145, nays 218, not voting 71, as follows:

[Roll No. 542]

YEAS—145

Abzug	Foley	Mosher
Adams	Ford, William D.	Murphy, Ill.
Addabbo	Forsythe	Murphy, N.Y.
Anderson, Calif.	Fraser	Natcher
Annunzio	Frelinghuysen	Nedzi
Badillo	Froehlich	Nichols
Barrett	Gilman	Nix
Bauman	Green, Pa.	O'Hara
Bennett	Gude	O'Neill
Bingham	Hanley	Patten
Bolling	Hanna	Pepper
Brademas	Hansen, Wash.	Perkins
Brasco	Hays	Peyser
Breckinridge	Hechler, W. Va.	Pike
Brown, Calif.	Heckler, Mass.	Podell
Burke, Mass.	Helstoski	Price, Ill.
Burton	Hogan	Rangel
Carey, N.Y.	Holt	Reid
Carter	Holtzman	Riegle
Chisholm	Horton	Rinaldo
Clay	Howard	Robison, N.Y.
Collins, Ill.	Hunt	Rodino
Conable	Jones, Ala.	Roe
Conte	Jordan	Roncalio, Wyo.
Conyers	Karth	Roncallo, N.Y.
Corman	Kastenmeier	Rosenthal
Daniels, Dominick V.	Kemp	Rostenkowski
Danielson	King	Ryan
Davis, Ga.	Kluczynski	St Germain
Davis, S.C.	Koch	Sarbanes
Delaney	Lehman	Schroeder
Dellums	Lent	Sisk
Denholm	Long, Md.	Slack
Dent	McCormack	Smith, Iowa
Diggs	McEwen	Smith, N.Y.
Donohue	McFall	Staggers
Drinan	Madden	Stark
Dulski	Meeds	Stokes
Duncan	Metcalfe	Stratton
Eckhardt	Mezvinsky	Stubblefield
Edwards, Calif.	Minish	Studds
Eilberg	Mitchell, Md.	Sullivan
Evans, Colo.	Mitchell, N.Y.	Teague, Tex.
Fascell	Moakley	Thompson, N.J.
Fish	Mollohan	Waldie
Flood	Moorhead, Pa.	Walsh
	Morgan	Whalen
		Widnall
Wilson, Charles, Tex.		Wolff
		Wright

NAYS—218

Alexander	Gross	Regula
Archer	Gubser	Reuss
Arends	Haley	Rhodes
Armstrong	Hamilton	Roberts
Ashbrook	Hanrahan	Robinson, Va.
Ashley	Hansen, Idaho	Rogers
Aspin	Harsha	Rose
Bafalis	Harvey	Roush
Beard	Heinz	Rousselot
Bell	Henderson	Roy
Bevill	Hillis	Roybal
Biester	Hinshaw	Runnels
Blackburn	Holifield	Ruth
Blatnik	Huber	Sarasin
Boggs	Hudnut	Satterfield
Boland	Hungate	Saylor
Bowen	Hutchinson	Scherle
Bray	Ichord	Schneebeli
Breaux	Jarman	Sebelius
Brinkley	Johnson, Calif.	Seiberling
Brooks	Johnson, Colo.	Shipley
Broomfield	Jones, N.C.	Shoup
Brotzman	Jones, Okla.	Shriver
Brown, Mich.	Jones, Tenn.	Shuster
Broyhill, N.C.	Kazen	Sikes
Broyhill, Va.	Keating	Skubitz
Burgener	Ketchum	Snyder
Burleson, Tex.	Kuykendall	Spence
Burlison, Mo.	Kyros	Stanton, J. William
Butler	Landgrebe	Stanton, James V.
Byron	Long, La.	Steed
Camp	Lott	Steele
Cederberg	Lujan	Steelman
Chamberlain	McCloskey	Steiger, Ariz.
Chappell	McCollister	Steiger, Wis.
Clancy	McDade	Stephens
Clark	McKinney	Stuckey
Clausen, Don H.	McSpadden	Symington
Clawson, Del	Macdonald	Symms
Cochran	Madigan	Taylor, Mo.
Cohen	Mahon	Taylor, N.C.
Collier	Mailliard	Teague, Calif.
Collins, Tex.	Mallary	Thomson, Wis.
Conlan	Mann	Thone
Cotter	Martin, Nebr.	Towell, Nev.
Coughlin	Martin, N.C.	Treen
Crane	Mathias, Calif.	Udall
Cronin	Matsunaga	Ullman
Daniel, Dan	Mayne	Van Deerlin
Daniel, Robert W., Jr.	Mazzoli	Vander Jagt
Davis, Wis.	Melcher	Vanik
de la Garza	Michel	Vigorito
Dennis	Milford	Waggonner
Dickinson	Miller	Ware
du Pont	Minshall, Ohio	White
Edwards, Ala.	Mizell	Whitehurst
Erlenborn	Montgomery	Whitten
Evins, Tenn.	Moorhead, Calif.	Wiggins
Findley	Moss	Williams
Fisher	Nelsen	Wilson, Bob
Flynt	O'Brien	Wilson, Charles H., Calif.
Fountain	Parris	Winn
Frenzel	Passman	Wyatt
Frey	Pettis	Wylie
Fuqua	Pickle	Yates
Gaydos	Poage	Yatron
Gettys	Powell, Ohio	Young, Alaska
Giaimo	Preyer	Young, Ill.
Gibbons	Price, Tex.	Young, Tex.
Gonzalez	Pritchard	Zablocki
Goodling	Quie	Zion
Grasso	Railsback	
Green, Oreg.	Randall	
	Rarick	

NOT VOTING—71

Abdnor	Ford, Gerald R.	Mathis, Ga.
Anderson, Ill.	Fulton	Mills, Ark.
Andrews, N.C.	Ginn	Mink
Andrews, N. Dak.	Goldwater	Myers
Baker	Gray	Obey
Bergland	Griffiths	Owens
Biaggi	Grover	Patman
Brown, Ohio	Gunter	Quillen
Buchanan	Guyer	Rees
Burke, Calif.	Hammer-schmidt	Rooney, N.Y.
Burke, Fla.	Harrington	Rooney, Pa.
Carney, Ohio	Hastings	Ruppe
Casey, Tex.	Hawkins	Sandman
Cleveland	Hébert	Talcott
Culver	Hicks	Thornton
Dellenback	Hosmer	Tiernan
Derwinski	Johnson, Pa.	Veysey
Devine	Landrum	Wampler
Dingell	Latta	Wyman
Dorn	Leggett	Young, Fla.
Downing	Litton	Young, Ga.
Esch	McClory	Young, S.C.
Eshleman	McKay	Zwach
Flowers	Maraziti	

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Rooney of New York with Mr. Devine.
Mr. Culver with Mr. Derwinski.
Mr. Dingell with Mr. Grover.
Mrs. Griffiths with Mr. Anderson of Illinois.
Mr. Gray with Mr. Esch.
Mr. Rooney of Pennsylvania with Mr. Dellenback.
Mr. Mills of Arkansas with Mr. Eshleman.
Mr. Hicks with Mr. Buchanan.
Mr. Landrum with Mr. Abdnor.
Mr. Leggett with Mr. Johnson of Pennsylvania.
Mr. Carney of Ohio with Mr. Goldwater.
Mrs. Burke of California with Mr. Cleveland.
Mr. Biaggi with Mr. Hosmer.
Mr. Bergland with Mr. Hastings.
Mr. Fulton with Mr. Andrews of North Dakota.
Mr. Ginn with Mr. Latta.
Mrs. Mink with Mr. Maraziti.
Mr. Owens with Mr. Hammerschmidt.
Mr. Rees with Mr. McClory.
Mr. Litton with Mr. Baker.
Mr. Mathis of Georgia with Mr. Myers.
Mr. Flowers with Mr. Guyer.
Mr. Downing with Mr. Brown of Ohio.
Mr. Dorn with Mr. Quillen.
Mr. Casey of Texas with Mr. Ruppe.
Mr. Andrews of North Carolina with Mr. Burke of Florida.
Mr. Gunter with Mr. Talcott.
Mr. Harrington with Mr. Wampler.
Mr. Hawkins with Mr. Thornton.
Mr. Young of Georgia with Mr. Tiernan.
Mr. McKay with Mr. Wyman.
Mr. Sandman with Mr. Young of Florida.
Mr. Zwach with Mr. Young of South Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves that the House disagree to the Senate amendment to the House amendment to Senate amendment No. 5.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the matter just considered.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program for the following week.

Mr. O'NEILL. If the distinguished acting minority leader will yield, I will be happy to explain.

Mr. ARENDS. I yield to the gentleman.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of October 22, 1973, is as follows:

Monday: Veterans Day recess.

Tuesday: H.R. 10586, use of health maintenance organizations for CHAMPUS program, open rule, 1 hour of debate.

Wednesday: S. 607, lead-base paint, conference report;

H.R. 3927, Environmental Education Act extension, open rule, 1 hour of debate.

Thursday and balance of week: H.R. 10956, emergency medical services, subject to a rule being granted;

H.R. 9456, Drug Abuse Education Act extension, subject to a rule being granted; and

H.R. 10265, audits of the Federal Reserve Board, subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

As the gentleman knows, by resolution that was passed yesterday, when we adjourn today at the conclusion of all business, we adjourn until noon Tuesday next.

Mr. ARENDS. I thank the gentleman.

CONGRESS MUST DEFINE EXECUTIVE PRIVILEGE

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, a U.S. district court yesterday rejected a petition of the Senate Watergate Committee for access to the Presidential tapes. The court ruled that Congress never has granted jurisdiction to the judiciary over questions such as this, although Congress clearly has the power to do so.

Earlier this year, when acting Attorney General Richard Kleindienst testified before the Senate Government Operations Committee, he expressed the administration's view that executive privilege is absolute. His assertion was that no document, no testmony, no evidence whatsoever could be compelled by the Congress or a committee thereof from the executive branch without the acquiescence of the President.

Mr. Speaker, it is impossible for me to believe that this Congress can fail to define and limit executive privilege, and to confer jurisdiction upon the courts to enforce our rights as a coequal branch of Government. If we fail, we will no longer have the right to be considered the equal of either of the other branches.

As I have observed before, our inaction to date has allowed Presidents throughout the years to assert and use this privilege as suits their purpose at the time.

We appear now to be heading toward a constitutional crisis over the question of executive privilege. In assessing relative blame for this impending crisis, much has been said about the actions of President Nixon. I agree that he has gone much too far in his claim of privilege. Furthermore, I have called upon him to comply without further delay with the recent opinion of the circuit court of appeals.

But, Mr. Speaker, we in this Congress must share a large part of the blame. Our failure over the years to come to grips with this problem has been an invitation to this President and to his predecessors to expand the limits of executive privilege.

Let us now move with dispatch to remedy our failure.

While we do so, I hope the President will move to reduce the tensions and avoid a crisis by conforming to the Appeals Court decision. I believe he should release the relevant portions of the tapes to the grand jury and subsequently to the Congress.

RURAL AMERICA HAS BEEN NEGLECTED

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, with the exception of Appalachia, the focus of the antipoverty and housing programs of the past decade has been on our cities. The problems of urban areas are deep-seated and critical and well deserve both the attention and the governmental resources that have been directed toward their solution. I have been a consistent and committed supporter of such efforts.

In this same decade, however, rural America has been the beneficiary of more than neglect. Our ignorance of the plight of rural areas is overwhelming; otherwise we would not measure our assistance to these areas in such small coin. For every $6 of Federal housing and community development moneys allocated to our Nation's cities, only $1 has been spent on rural areas. Yet with only 30 percent of the population rural America can lay claim to 44 percent of the country's poverty families and nearly two-thirds of her substandard housing. In rural areas an astounding 1 out of every 7 homes is substandard compared to 1 in 25 in metropolitan centers. Thus, even more than our cities, rural areas suffer from a concentration of poverty and a severe shortage of decent housing. Clearly the search for solutions to urban problems must be extended to the very real needs of rural America as well.

The statistics attest to the inadequacy of current programs. There are 3 million households in nonmetropolitan areas living in dwelling units that lack essential plumbing facilities or are overcrowded. Yet nearly half the Nation's counties—with one-fifth the population—have no public housing program. The Federal Housing Administration insurance assistance programs were responsible from January 1970 through June 1972 for the subsidization of 645,000 units yet only one-fifth of these were in nonmetropolitan areas. The Farmers Home Administration is geared primarily to farm families, op-

erates a dozen major programs in addition to housing and works with limited housing tools wholly inadequate to the needs of many low-income rural families. Furthermore in 1971, only 11.5 percent of all section 502 homeownership interest-subsidy loans, the largest single loan program administered by the FHA, went to families with incomes below $4,000. The fact that income levels are generally lower in rural areas and that they suffer from a scarcity of credits and other essential institutional resources makes it all the more difficult for rural inhabitants to deal with their housing problems.

The Emergency Rural Housing Act of 1973 is designed to fill the enormous gaps left by the inadequacies of existing laws. It aims to make good at last on our national commitment to "a decent home and a suitable living environment for every American family."

The bill would establish an independent single-purpose agency dedicated to the goal of providing minimal housing facilities to residents or would-be residents of rural areas over a 5-year period. The Emergency Rural Housing Administration—ERHA—would be free from the orientations that have hampered HUD and FHA efforts in this area. Hopefully it would be sensitive to the special needs of rural citizens and to the reality of their lower rent-paying capacity and their high proportion of poor and elderly families. At the same time it would have full authority to work with existing agencies and institutions in order to further its legislatively established goals.

The ERHA would have a broad range of flexible tools with which to support its aggressive housing assistance campaign. These mechanisms include homeownership loan subsidies, rehabilitation grants, and rental financing.

The homeownership subsidy is modeled on a plan that has been very effective in the Scandinavian countries. At least 50 percent of the principal amount of the housing loan is amortized over a period of up to 40 years at a low interest rate. The remainder of the loan is secured by a second mortgage and becomes payable and interest bearing when the first mortgage has been repaid or upon the sale or other disposition of the property. The ERHA sets the interest rates in each case within legislative limits. The agency may not require a borrower to pay more than 20 percent of adjusted annual income—as determined by a formula in the legislation—on principal, interest, taxes and insurance, but a borrower could at his option, pay more. Indeed many of our poorly housed citizens are already paying much more than that for inadequate housing.

The bill provides for rehabilitation grants of up to $3,500 to homeowners too poor to participate on the terms of the Scandinavian plan and authorizes a total of $1 billion for them.

While the bill puts a priority on homeownership, it includes rental housing provisions to assist the very poorest families for whom even the homeownership subsidies would be inadequate. It is well to remember that there are nearly a million inadequately housed rural American families with an average rent-paying capacity of $14 a month. The bill authorizes annual contributions contracts through State-chartered rural housing associations, provides 40-year, interest-free financing for the construction of rental units, and authorizes repayments to the Government to the extent that rent collections exceed operating and maintenance costs of the projects. Rents are required to bear a reasonable relationship to the income of those eligible for such assistance and in no case may they exceed 25 percent of adjusted income.

Unlike Farmers Home which is limited to towns of 10,000 population or less, the ERHA would administer its programs in all rural areas and all communities of under 25,000 people—except within SMSA's where the upper population limit would be 10,000.

The field level adjuncts of the ERHA would be the State-chartered rural housing associations. These would function as housing delivery institutions with areawide coverage responsibilities. They would have access to direct Treasury credit, subsidies, and direction provided by the Emergency Rural Housing Administration. The associations would be authorized to determine the eligibility of persons seeking assistance under the act; make homeownership loans and rehabilitation grants; own and operate rental facilities or make loans to and enter into contracts with public and private nonprofit organizations to own and operate such facilities.

The bill provides that each association be controlled by a board of directors, one-half of whose members would be elected by those eligible for assistance under the act; one-sixth to be chosen by those so elected; one-sixth appointed by the Governor; and one-sixth appointed by the ERHA Administrator. Thus the act provides for major input from those it serves while at the same time assuring an important voice for those with some prior experience or expertise in housing, financing, or related areas.

A rural housing investment fund would be established with direct capitalization from the Treasury to finance land acquisition and housing construction. Grant funds and other housing subsidies would be made from direct congressional appropriation. Funding would be generous in the short run but the government would recover much of its investment as loans are repaid and rental income rises. In any case the goal of providing decent housing for rural America cannot be achieved without some expense. I happen to think it is well worth the price.

Let me close, Mr. Speaker, by expressing my hope that we will make a firm commitment to wipe out the legacy left by years of neglect of rural America. The resources required to fulfill that objective are small indeed when one considers that our gross national product is over a trillion dollars. Beyond that, we have proven as a people time and again our capacity for meeting difficult challenges. Only by providing a decent home for every American family will we meet the challenge of poverty in rural America.

A CALL FOR INDIVIDUAL RESPONSIBILITY

(Mr. MILFORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, recently, Prof. Hubert L. C. Matthias—professor of government at the University of Texas at Arlington—published a column in the Fort Worth Star Telegram which I would like to commend to my colleagues

In the professor's sagely worded article, he has raised the questions of our society which are answered by individual responsibility. To elicit such solutions, Professor Matthias has hit on the need to remain flexible, to admit and to correct errors. And he has illuminated the paradoxes of man which find man championing mass causes, but failing to work toward these goals as an individual.

I have found this article to be both timely and interesting and would like to have it appear in the RECORD:

WE NEED TO LOOK "INSIDE"

(By Hubert L. C. Matthias)

A corporate president was quoted recently as saying that only a company that can constantly correct its mistakes will survive. That's what Aristotle said some 2,300 years ago about the self-sufficing society.

History proved him right. The absence of forces of renewal, or the intolerance of any such efforts, in the Roman Church brought on the Reformation. Obviously the Roman Empire hadn't shown the strength to regenerate itself. No longer did moral leadership qualities make a man emperor, but the ruthless use of power and money. The voices of criticism were cowed, forced into suicide or murdered.

Carrying on this disagreeable thought (obviously professors sadistically enjoy saying the unpopular truth) we have to answer the question: Are we so rotten, hypocritical and cynical, such cunning evaders of the truth as are some of those in high office? While I leave it to each one to search his own life, allow me to put our situation in a different perspective.

We in the West seem to have arrived at a level of development of the individual where any means within quite formally conceived limits of legality are acceptable for pursuing one's desire for the "good" life. The good therein is probably more materialistically conceived than ever before. It has mainly to do with gadgets, status and power, and money makes all of them attainable.

In this I see the climax of the development that started in the Greek city states some two-and-a-half millennia ago. Man was a communal being then. He lived wrapped up in his community. Political thinkers saw the state as the individual writ large, so much did the interest of the individual coincide with that of the state.

If the community was victorious and prospered, the citizen prospered. If his state lost out, he and his family might be sold as slaves by their captors.

The Sophists and their critic, Socrates, began to see the beginning of the individual as a separate entity. Socrates was put to death (he was the most unpopular professor ever) because he taught his students, "Take care of your souls." For a decision of right and wrong, he meant, you must look deep into your own soul, never mind what your government tells you. He was one of those

mental revolutionaries of whom the Agnews of all times have a paranoiac fear.

Whatever the contribution of the Stoics and other philosophies and religions to the development of the individual, the duality of standards of ethical conduct between people and their governments remained. Government always wants its particular brand of sordidness to be the standard. Those who object are the minority, and are persecuted.

Degrees of this differ, of course. The dangerous moment in the evolution of the individual as an entity separate from his community arrives when the pursuit of money, status and power has severed him in his personal cravings from all inner connections with his community, and when there aren't enough people left who agree on what "isn't done."

Then government starts to impose its standards on the people and begins to prevent dissenters from publicly dissenting

The balance between the individual and his community has given way. The pendulum has reached the opposite extreme from the communal being of the Greek city state. The individual sees nothing worthwhile beyond the pursuit of his individual desires. He finds himself deprived of moral leadership as the elites seek wealth or power or both. Through their bad examples the atmosphere deteriorates further.

Some of our students, working the summer months in defense industries, have been ostracized by older workers because the youngsters, in their enthusiasm, want to give a full day's work for a full day's pay, and reject a slow-down at the expense of the taxpayer.

Professors start to sign their names to false statements about committee meetings that never took place, and join the hypocrites. Administrators and bureaucrats revel in intolerance and insensitivity, and the people at large don't care about anything but their own gratification.

Police pay more attention to victimless crimes, perhaps because that gets them better publicity, than to robberies and rapes. The streets are unsafe and the people are fearful.

Each acts as if he were alone in the world. The fisherman throws his empty beer can wherever it suits him, though the evening before he may have attended an ecological meeting to stop the construction of the Alaskan pipeline.

When the news media ask us to conserve fuel, drive only 60 m.p.h. and not use our air conditioners, one out of 20, perhaps, cooperates. The others couldn't care less.

It seems to me that on the long road from the Athenian community being to the modern ego-centric, self-seeking individual we didn't stop to think where the point of balance lies, the mean between extremes which, according to the Greeks, is always the best.

Perhaps our youngsters aren't so wrong in wanting to live for a while in a commune where everybody shares the cost of everything and the pernicious chase of the buck is left behind. Maybe they respond to an inner need that our a-communal individualism no longer satisfies.

Political scientists debate whether the end of ideology is upon us, whether total secularization has made us a valueless society.

I do not believe this. We are struggling to overcome crises which this country has not known before in such diversity of afflictions. Nobody has the patent solution, but each can contribute to the communal regeneration by critically relating what is happening to his own life.

The spirit of the individual, not the letter of the law, must make the difference. While he pursues his goals as an individual, he must again become conscious that his own fulfillment, if gained at the expense of his community, destroys the very foundation that sustains his individuality.

BILL ALLOWS FOR AUDIT OF FEDERAL RESERVE SYSTEM

(Mr. ASHLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, the House schedule for next week includes consideration of H.R. 10265, a bill reported by the House Committee on Banking and Currency which provides for an audit of the Federal Reserve System by the General Accounting Office.

While I support that portion of H.R. 10265 which authorizes a financial audit of the Fed to make sure that funds are properly accounted for, that adequate control procedures exist, and that the Fed's resources are employed economically and efficiently, I share the opposition of other members of our committee to the additional authority that would authorize a GAO evaluation of Federal Reserve monetary policymaking. When the bill is considered next week, I intend to offer, with the support of my colleague from Ohio, Mr. J. WILLIAM STANTON, an amendment that would specifically preclude an evaluation of monetary policymaking by the General Accounting Office. I am pleased to say that this position and course of action have widespread support and backing, including that of every living ex-Secretary of the Treasury, Democrat and Republican alike.

The expression of their support is set forth in the following letter which was directed to the Speaker of the House of Representatives:

OCTOBER 18, 1973.

The Honorable CARL ALBERT,
The Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: We are writing to express our deep concern about the provisions of H.R. 10265 relating to a GAO audit of the Federal Reserve System.

If H.R. 10265 merely prescribed a financial audit, we would not be seriously troubled. But the bill reported to the House would go much further, authorizing GAO to evaluate monetary policymaking. It would encroach upon the independence of the monetary authorities, weakening the safeguards Congress has established to assure objective decisions in the critical area of money and credit policies.

The Federal Reserve reports to the Congress, and particularly to the Committees on Banking and Currency, Ways and Means, Finance, and the Joint Economic Committee. In exercising its oversight responsibilities, Congress receives a steady flow of authoritative information directly from the Federal Reserve, including candid testimony from its Chairman. As former Secretaries of the Treasury, we see no need, and considerable potential for trouble, in asking the Comptroller General to engage the services of consultants—as yet unidentified—to second-guess decisionmaking by the responsible monetary authorities.

In a comparable situation in 1970, Congress provided for a GAO audit of the Exchange Stabilization Fund, but limited the scope of the audit. We believe the provisions for audit of the Exchange Stabilization Fund could serve as a useful model for a GAO audit of the Federal Reserve. We understand that Mr. Ashley will offer an amendment to accomplish that purpose, and we commend it to the attention of the House.

We are submitting a copy of this letter to the Minority Leader for his information.

Respectfully,

John W. Snyder, Robert B. Anderson, C. Douglas Dillon, Henry H. Fowler, Joseph W. Barr, David M. Kennedy, John B. Connally.

THE NAVY SENDS A SHIP AND 19 MEN TO TUNISIA

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DAVIS of South Carolina. Mr. Speaker, I take this opportunity to arise and inform the House of something that I consider very tragic. It is something that I believe shows the total lack of compassion of our country at this time.

I speak today of a transaction between this country and another which may very well prove to be a stab in the back to the State of Israel, one of our closest allies, and a country which is fighting at the present time for its very existence.

I am speaking of the sale by the United States of the destroyer escort *Thomas J. Gary* to Tunisia. The U.S.S. *Gary* sailed from Charleston, S.C. in my home district on October 5 and is due to arrive in Tunisia on October 19. As matters now stand, it will be transferred to Tunisian command on October 22.

I have been attempting for several days now to have the U.S. Navy, which is still in command of the *Gary*, to put that ship into a friendly port rather than allow her to continue on to her final destination where an announced enemy of Israel will take command of her and make her the flagship of the Tunisian fleet.

My requests have all but fallen on deaf ears in the Navy Department. They did, on the other hand, apparently embarrass the Navy to the point that high officials have been calling almost daily to assure me that Tunisia is not actively involved in the current Mideast war and that the war will not last long and that the *Gary* will not be sailed into a war zone.

The Navy even assured me that they would keep a close watch on the Mideast situation and would halt the *Gary* at Rota, Spain if it appeared the Mideast war was not going to end before October 22.

Two days ago, in fact, the Navy pleaded with me not to make statements critical of the transfer until they had had time to make some decisions. Meanwhile, the *Gary* sailed on.

Today, I was informed by the Navy that the *Gary* will sail on to Tunisia as planned. She will arrive in Bizerte on October 19, and she will be transferred to Tunisian command on October 22.

The dismaying thing about all this, Mr. Speaker, is that not only are we sending Tunisia the ship to become the flagship of their Navy, we are also committing 19 U.S. Navy men to remain in Tunisia to train the Tunisian Navy.

Facts are facts, Mr. Speaker. There is no question that Tunisia is an announced enemy of Israel. She has committed 900

troops to the Arab cause, and they were flown to the Sinai front in Algerian aircraft with the admonition of the President of Tunisia to "Conquer or die!"

The *Gary* is a fighting ship. Tunisia is an announced enemy of Israel. The time has come for us to decide who are our allies and who are not. And when we have made that decision, I suggest that we in the Congress take the opportunity to inform the Navy of that decision so that the Navy may conduct itself accordingly.

SOCIAL SERVICES AMENDMENTS OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, on Tuesday, October 16, 1973, Mr. CORMAN, of California, introduced H.R. 10920, the Social Services Amendments of 1973. As one of the six members of the House Ways and Means Committee to cosponsor this much-needed piece of legislation, I would like to congratulate both my colleague from California (Mr. CORMAN) as well as the chief sponsor in the other House, Senator MONDALE, for their energies on this matter. They have patiently but persistently developed a workable and effective plan for administering the existing social service programs in order that the original intent of Congress in establishing these programs might best be carried out. I do believe that this legislation adequately meets the chief objections raised against the latest proposed HEW regulations while at the same time, maintains the budgetary ceiling enacted by the Congress last year.

Since the key elements of H.R. 10920 were quite clearly enunciated by Mr. CORMAN at the time of introduction of this legislation in the House last Tuesday—page 34383—and by Senator MONDALE when he introduced a similar bill on the Senate side—October 3, 1973, S. 2528; page 32665—I shall not dwell on that particular aspect of this matter. However, I would like to take this opportunity to point out just some of the many objections raised by my Chicago constituency to the latest regulations. It was because of these specific objections and many others like them, that I joined in the sponsorship of this important and timely legislation.

I would like to insert in the RECORD at this point, some of the correspondence that I have received in recent weeks as I feel that it clearly articulates some of the potential problems that seem to be inherent in HEW's latest proposed regulations—problems that led to the introduction of H.R. 10920:

CITY OF CHICAGO
RICHARD J. DALEY, MAYOR
October 15, 1973.

Hon. DAN D. ROSTENKOWSKI,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ROSTENKOWSKI: I wish to share with you my comments on the revised social service rules published by the Department of Health, Education and Welfare on September 10th. Although the revisions are an improvement over those published February 16th, May 1st, and June 1st, they still do not deal adequately with the basic issue of criteria of eligibility for services, program goals, and the state's authority to define service priorities.

I would appreciate your consideration of these comments and hopefully enlist your support in bringing about additional modifications of the proposed regulations.

Sincerely,

MRS. MURRELL SYLER,
Administrative Assistant to the Mayor.

CITY OF CHICAGO
RICHARD J. DALEY, MAYOR
October 11, 1973.

Hon. CASPAR A. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I wish to take this opportunity to comment on the proposed social service regulations governing the use of Title IV–A funds, as published in the *Federal Register*, February 16th, and revised May 1st, June 1st, and September 10th, 1973. In Chicago, we find that the regulations are still such that they prohibit the providing of essential social services to individuals and families for whom the social services programs were designed. Although the most recent revision does relax the eligibility requirements, we are still concerned that there are needy families which will be ineligible for basic social services, such as day care. The regulations are still too oriented to financial assistance for eligibility and tend to discourage people from striving to become or retain self-sufficiency.

1. SECTION 221.7(1) DETERMINATION AND REDETERMINATION OF ELIGIBILITY FOR SERVICES

This section which requires that the family or individual be determined currently or potentially eligible for financial assistance raises question about the eligibility for social services for most low income, intact, two parent families. In Illinois and other states, families headed by able-bodied males are generally considered as ineligible for financial assistance. In Illinois, the only eligible families are those where the male head of the household is incapacitated or unemployable due to lack of marketable skills.

Since this is the case, then, two parent, low income families where both parents are working in order to earn enough to buy the food, shelter and clothing their families need for a minimal standard of decency, will be deprived of services, regardless of their income classification as poor or near poor if this regulation goes into effect.

Two parent families, where the mothers are working and earning a small income to help their husbands keep their families financially stable, may be forced to quit their jobs if they are deprived of free or partially subsidized day care. The unskilled fathers who are enrolled in schools or job-training may be forced to drop out and may be prevented from increasing their earning capacity and thus keep their families out of the ranks of poverty. The combined incomes of most of these families averages between $5,000 and $7,000 annually.

In Chicago, there are about 70,180 (1970 census data) working mothers with children under six years of age. Of this number, 50,846 of these working mothers have husbands in the home and only 19,334 are female heads of household.

Additionally, we have 66 day care centers in Chicago which are either totally or partially supported by Title IV–A funds. There are approximately 6,000 children enrolled in these centers. At least 25 percent are from two parent, low income families and can therefore not meet the eligibility criteria as "recipients of financial assistance" so long as their families remain intact. We, therefore, contend that the two parent, intact families need these social services as much as those families headed by one female parent.

2. SECTION 221.6 SERVICES TO ADDITIONAL FAMILIES AND INDIVIDUALS

We accept the need to use some type of income criteria to determine that families and individuals are eligible for social services, but we feel that the use of the state's financial assistance payment standard is an unreliable index of need for social services to prevent dependency on financial assistance.

For example, the proposed regulations require payment on a sliding scale for families at the "lower" standard of living and some who are below this standard. No day care is provided for families just above the "lower" status. This system of determining eligibility tends to prohibit families from moving upward towards affording the total cost of day care.

We propose, instead, that the Bureau of Labor Statistics, Cost of Living Indexes be used to establish income criteria. For instance, the financial base for day care services should be on the geographically adjusted income needed to maintain "lower" standards of living by area and adjusted for cost of living increases by areas.

Determination of eligibility for free day care on a graduated fee scale could be easily developed by each state using this data.

3. SECTION 221.8 PROGRAM CONTROL AND COORDINATION

The goal for social services should include, "to maintain, strengthen family life, foster child development and achieve permanent and adequate compensated employment."

4. SECTION 221.9 DEFINITION OF SERVICES

Day care is an essential service to strengthening family life by enabling families to obtain financial independence. We, therefore, strongly urge that day care be restored as a mandatory service under the family services program.

5. SECTION 221.55 LIMITATION ON THE TOTAL AMOUNT OF FEDERAL FUNDS PAYABLE TO THE STATE FOR SERVICES

The provisions under (c) of this section, that funds be allocated to the states on the basis of their percentage of national population does not deal with the varying levels of poverty which exist at the state level. Therefore, we propose that the formula for state fund apportionment take into consideration the additional factor of the state's proportion of the nation's poor.

Finally, I strongly urge that more, not fewer, services be provided to the marginal income families and individuals to assure their movement towards self-sufficiency and that once this status is obtained, they are enabled to sustain their independence. We learned, for instance, during our recent study on the cost of day care in Chicago, that it cost nearly 250 percent more to support families on public assistance, than to pay the full cost of day care so mothers can work. The average cost per family for day care was less than $2,000 per year, while the average cost for public aid per family was over $4,200 per year or the difference of about $2,200 more per year for public aid per family than for child care. Over 71 percent of the families utilizing day care services supported by Title IV–A funds indicated that they would require public assistance if publicly supported day care was not possible.

I, therefore, urge that further revision of the social service regulations be given serious consideration so that they ensure the proper delivery of the essential supportive social services.

Sincerely,

MRS. MURRELL SYLER,
Administrative Assistant to the Mayor.

CHICAGO COMMUNITY COORDINATED
CHILD CARE COMMITTEE,
Chicago, Ill., October 2, 1973.

HON. DAN ROSTENKOWSKI,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: In response to the public outcry to the proposed Health, Education and Welfare regulations for the use of Title IV–A funds, I have sent the attached letter to Secretary Weinberger on behalf of the Chicago Community Coordinated Child Care Committee Title IV–A Planning Subcommittee, of which I am Chairman. Because the latest revision, published in the Federal Register September 10, 1973, still does not deal with the fundamental problems inherent in the proposed regulations, which are planned to go into effect November first, I am asking your support in seeking to have these regulations changed.

In brief, the main concerns indicated in that letter are as follows:

Allocation among states of available funds should be based not only on each state's percentage of the nation's total population, but also on its proportion of the nation's poor.

The states' financial assistance payment standards should not be used as a base for calculating service eligibility. We recommend basing service provision on Bureau of Labor Statistics standard of living estimates for each area, as adjusted yearly for cost of living change. Services would be free for those earning less than the BLS's estimate of the income needed to maintain a "lower" standard of living in each area, and would be available on a sliding fee scale to those earning up to the midway point between this amount and the BLS estimate of the income needed to maintain an "intermediate" standard of living.

The requirement that to be eligible for services families must have problems that would lead to dependency under Title IV–A should be modified to make it clear that two-parent homes with marginal financial resources would be eligible for services, as well as single-parent households with incomes qualifying them to receive public assistance.

All redetermination of eligibility and withdrawal of services should take place for each separate case no less than one (1) year after the previous determination that such a present or past recipient was eligible for services.

Determination of eligibility for services should be performed not by the state agency, but by the local service agency in the neighborhood where the service is to be provided, to minimize administrative bottlenecks and improve service delivery.

We hope that upon consideration of the above points, you will concur with our reservations concerning the proposed regulations. We urge you to give this matter the attention which its gravity demands, and to do all you can to see that our suggestions or similar corrective measures are implemented.

Sincerely,

DENTON J. BROOKS, Jr.,
Commissioner,
Department of Human Resources.

NIXON REAFFIRMS U.N. RESOLUTION 242

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, President Richard Nixon today told us that the United States intends to "carry out the provisions of U.N. Resolution 242 in the Middle East."

U.N. Resolution 242 was passed unanimously by the Security Council after the Six Day War in 1967. It calls for:

Withdrawal of Israeli armed forces from territories occupied in the recent conflict [Six Day War];

The right to live in peace within secure and recognized boundaries;

Guaranteeing freedom of navigation through international waterways; and

A just settlement of the refugee problem.

Yesterday, in a speech on the floor of the House of Representatives, I called upon the United States to reaffirm clearly its support for U.N. Resolution 242.

At the White House today, I stated to the President that the primary thing which concerns the Arabs is that much of their territory has been occupied by Israel ever since the 6-day war.

The President said, "I know that." He reminded me that he had been to most of the Arab countries, as well as to Israel, and assured me that "the Middle East is going to work out all right. Don't worry about it."

Then the President restated U.S. support for U.N. Resolution 242.

The statement the President made to me today, and which he authorized me to quote directly, represents the first time in many months, and certainly since the outbreak of the current hostilities, our Government has restated clearly and publicly its support for the U.N. policy we helped to forge almost 6 years ago.

Nothing which the United States could say or do could help more to bring a rapid halt to the fighting in the Middle East. The primary, perhaps the only, reason the Arabs began this latest offensive was to recover the territories they lost in 1967.

The Israelis have steadfastly refused to return occupied lands and instead have begun moving Israeli settlers into oil-rich Arab lands. As this has occurred, U.S. references to the return of occupied lands have become infrequent and muted.

Today, President Nixon has once again restated this principle as essential to peace in the Middle East. As soon as the fighting can be stopped, hopefully Israel and the Arab States will seize upon this initiative and require that each side live up to the requirements of the 1967 U.N. resolution.

I was at the White House to present the new Princess Soya, Miss Christy Carter from Eldred, Ill., to the President.

ELECTION REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, today I have introduced an election reform bill in which some Members may be interested. While it is not identical to the recommendation of the Republican Task Force on Election Reform published in this RECORD on pages 27038–47 of July 31, it does follow most of those proposals. Most importantly, it does contain that task force's most significant recommendation—the prohibition of "pooled contributions" except through political party groups, unless the original contribution has specifically designated the recipient.

The idea of this feature is to encourage individual political participation, to increase party responsibility, and to reduce the influence of special interests which collect money from many people and dispense it to political candidates on the basis of decisions of a few people.

The other principal feature of the bill is the creation of a Federal Elections Commission to assume supervisory duties now vested in three offices, the GAO, the Secretary of the Senate, and the Clerk of the House. The Republican Elections Task Force made this FEC its first recommendation, but it did not recommend the prosecution powers which are included in this bill.

The bill limits contributions by individuals to $5,000 per congressional election and $25,000 for a Presidential election. Expenditures are limited to 25 cents per eligible voter, or $150,000, whichever is larger, and the present media maximums are maintained.

Cash contributions are limited to $100. Checks drawn on foreign banks are prohibited. "Earmarked" contributions, permitted to political parties, are forbidden unless the original contributor is identified, and reported by the recipient.

Mr. Speaker, my bill is one of many on the subject of election reform. I hope some of its ideas will find their way into whatever election bill the House passes.

In any case, this House must pass an election reform bill this year. It is my hope the Elections Subcommittee of House Administration will accelerate its schedule, and increase its efforts to produce a bill in the next few weeks.

EULOGIES TO THE LIFE AND WORKS OF LUDWIG VON MISES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it was said of Ludwig van Beethoven that—

No man dies who leaves behind him works that live.

It is in this spirit and in the deepest of admiration and respect that we eulogize today the life and works of Professor Ludwig von Mises, an intellectual giant whose unfailing devotion to libertarian principles served as the inspiration for an entire school of economic thought and whose unceasing efforts to bring economic policies into harmony with the realities of human action will stand collectively as a triumph of genius in an age not devoid of great thinkers.

Professor Mises imparted truth—not theory, not ideas unbased in demonstrable fact. He was a realist par excellence. He thought, wrote, and spoke of human experience and its impact upon, and relationship to, economic systems. He brought to bear with full force in his

teachings and classic works an understanding of, and appreciation for, the history of economic theories and their various applications unparalleled among modern analysts. In an "In Memoriam" feature within the pages of the Wall Street Journal of Friday, October 12, my good friend, Dr. William H. Peterson, a New York University faculty member who formerly served on that illustrious staff with Professor Mises, summarized the force of Mises' thinking upon several generations of economists, as follows:

IN MEMORIAM

Professor von Mises * * * was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

* * * * *

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

* * * * *

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies; capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and group of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

* * * * *

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

* * * * *

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises, was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

There are lessons to be studiously learned from the professor. They are few, but they are focal:

Political freedom cannot long exist without economic freedom . . .

The market economy, allocating resources by the free play of supply and demand, is the single economic system compatible with the requirements of personal freedom . . . and . . . is at the same time the most productive supplier of human needs . . .

When government interferes with the work of the market economy, it tends to reduce the moral and physical strength of the nation . . .

When it [government] takes from one man to bestow on another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both.

These ideas have been proved by the events of the mid-20th century to be as true as they were when first stated. Government regulation of, and interference with, the economy—no matter how well intentioned or how well conceived and refined—produces more maladjustments than it corrects. This has always been the case; it always will be. Our national leaders, unfortunately, pay more heed to the perceived exigencies of politics than they do to the realities of history. In the words of Santayana, those who do not learn from history are doomed to repeat it.

But Professor Mises never despaired. He labored untiringly to relay to all those willing to listen the realities of economic life. In his classic works, "Socialism" of 1922, and "Human Action," of 1949, he conveyed his knowledge, all that he had learned and observed, to learned scholars students, commentators, and public leaders. We are to be grateful for these efforts:

Books are the legacies that a great genius leaves to mankind, which are delivered down from generation to generation, as presents to the posterity of those who are yet unborn.

Few have left a legacy of works as significant as Professor Mises, and a good legacy alleviates the sorrow that men would otherwise more acutely feel at the passing of a great man and an apostle of freedom.

In these times of wage and price controls, increased Government regulation of the economy and the means of production and distribution of goods and services, increased international trade barriers, unparalleled tamperings with monetary policy and money supply, rampant inflation and devaluation, we need to pay closer attention than ever to the alternatives provided through the free market system—the alternatives espoused by Professor Mises. But we, like the professor, must never despair:

Truth never yet fell dead in the streets; it has such affinity with the soul of man, the seed however broadcast will catch somewhere and produce its hundredfold.

You can, Professor, now rest in peace. It is we, the living, who must toil. And our pledge to you is that we shall.

Mr. ARCHER. Mr. Speaker, I join in tribute to the late Dr. Ludwig von Mises, a man correctly judged as the dean of free market economists.

His classic work "Human Action" was a great economic treatise and a significant defense of freedom in the economic sphere. This book as has been referred to as the most effective answer to Karl

Marx's "Das Kapital" and John Maynard Keynes' "General Theory of Employment, Interest, and Money." In this treatise, Dr. von Mises with perception and insight defined the proper function of the government in its relation to the economy, discussed the measurement of economic value in a society, analyzed the problem of inflation and the functioning of the monetary system, and thoroughly examined the effect of governmental intervention in the economy. The economist Henry Hazlitt made this comment about this work:

If any single book can turn the ideological tide that has been running in recent years so heavily toward statism, socialism, and totalitarianism, "Human Action" is that book. It should become the leading text of everyone who believes in freedom, in individualism, and in a free market economy.

The many writings and books of this great scholar remain a permanent tribute. During a time when the United States is experiencing the great problems of governmental intervention in the economy by controls, we need to reflect on the career of Dr. von Mises. We need to follow the guidance he has given us on the superiority of a free market economy over that of a government-controlled economy. The defenders of the free enterprise system have lost an outstanding champion with the death of Dr. Ludwig von Mises.

Mr. SYMMS. Mr. Speaker, today a memorial service is being held in Manhattan for Ludwig von Mises who was one of America's distinguished citizens. To this I wish to add just a few words of my own in tribute to one whose writings served as an inspiration to me as they have to so many others. Professor von Mises was a friend of freedom. His entire adult life was devoted to defending freedom intellectually against those who would destroy it. That his work was formidable can be judged from the fact that it was singled out for special suppression by Adolf Hitler's Nazis. Mises was forced to flee in such haste when his native Austria fell that he was unable to return to his library to recover scholarly manuscripts which were burned by the Nazis. Ludwig von Mises fled to America where he was able to continue his vital work in demonstrating that the freedom of the simple, individual man is key to achieving prosperity and justice in society. The fact that he was able to write and prosper here in America, a Jewish refugee from Nazi persecution, reflects what is best about America. Recently we have heard that the rise to power of one who arrived under similar circumstances proves that greatness of our country. But I doubt it. The fact that a refugee could make his way in America by helping to manipulate power is far less impressive to me than the fact that America became the refuge of one who argued against power. That one refugee could articulate the policy objectives of the U.S. Government and never mention the word "freedom" once does us far less credit than the work of Ludwig von Mises who devoted his life to the defense of freedom. I hope that the Congress will take greater note of his work now that he is dead than they did while he was living.

I join the friends who are gathered in Manhattan today to mourn the passing of one of the great men of this or any time.

GENERAL LEAVE

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REPRESENTATIVE BUCHANAN ON THE RHODESIAN CHROME AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, yesterday our distinguished colleague, the gentleman from Alabama (Mr. BUCHANAN) made an extremely valuable contribution to congressional and public understanding of issues involved in the debate over the Rhodesian chrome amendment and U.N. sanctions. In lucid testimony before a joint hearing of the Subcommittee on Africa and the Subcommittee on International Organizations and Movements, he made a convincing case for the political, economic, security, and moral reasons why Congress should pass H.R. 8005 for amending the United Nations Participation Act of 1945 to halt importation of Rhodesian chrome and restore the United States to full compliance with U.N. economic sanctions against the minority regime of Ian Smith.

Mr. BUCHANAN is presently serving with great distinction as a U.S. Delegate to the United Nations General Assembly and is hereby well qualified to comment on the damaging effects of the Rhodesian chrome amendment. He cited the seriously adverse effect that piece of legislation has had on U.S. interests at the U.N., especially in our relations with African countries. He noted the availability of alternative sources of chrome and ferrochrome for U.S. industry, and warned against tying U.S. interests to the oppressive racist regime in Rhodesia.

Pointing out the need for the United States to maintain high standards of international conduct since most people in the world expect the United States to set a good example, he appropriately quoted Chaucer:

If gold doth rust, what will iron do?

Mr. BUCHANAN's statement was of such high caliber that I would like to take this opportunity to share it with all our colleagues. I, therefore, insert it in the RECORD at this point.

STATEMENT BY THE HONORABLE JOHN BUCHANAN, OCTOBER 17, 1973

Mr. Chairman, members of the Subcommittees, I appreciate the opportunity to testify before you today on H.R. 8005 which would prohibit the importation of chrome and other products from Rhodesia.

The second anniversary of the enactment of Section 503 of the Military Procurement Act, otherwise known as the Byrd Amendment, is next month and the history of events of the past two years regarding our supplies of chrome and ferro-chrome speak for themselves and, in so speaking, cry out for repeal of this legislation.

It would appear that, at this point in our history, the economic and security reasons which led to our 1971 stand are no longer valid, if indeed this ever was the case.

I would first like to discuss some of the domestic implications of the current situation.

Chrome, of course, is still important to our national defense, but the necessity for obtaining it from Rhodesia has diminished substantially

As Deputy Secretary of Defense W. P. Clements, Jr. noted in a letter to the distinguished chairman of the Subcommittee on International Organizations and Movements.

"According to an estimate prepared in 1973 by the Office of Emergency Preparedness, the metallurgical grade chromite needed by industry to support the Defense Department's steel requirement during the first year of a war amounts to 128,300 short tons, or 2.3 per cent of the quantity held in the inventory as of 31 December 1973. Thus, it can be seen that the Defense requirement for metallurgical grade chromite is relatively small and that the bulk of the stockpile inventory would be used by the non-defense industry in the event of an emergency."

His remarks were strengthened by those of U.N. Ambassador John Scali in testimony earlier this year before the Senate Foreign Relations Committee, who stated, "Adequate quantities to meet all of the United States defense needs are available from Turkey, Iran and South Africa."

As you know, the U.S. has already released from its stockpiles some 900,000 tons of chrome and the Defense Department, the President and the State Department have recommended the release of an additional 2 million tons of chrome from the stockpile.

I am not arguing that our stockpiles can provide all of the chrome or ferro-chrome needed to continue our current production rates for all of the products using this material. It would appear, however, that we do have sufficient supplies of chrome and ferro-chrome to meet our vital defense needs in an emergency.

I find it hard to justify our continued violation of the sanctions which the U.S. supported when they were adopted by the United Nations in 1965, 1966 and again in 1968, given the availability of chrome and ferro-chrome on the world market and the abundance of these materials in our own stockpiles.

Secondly, we imported more chrome from the Soviet Union than Rhodesia prior to 1972 and this has continued to be the case. For example, in 1971, prior to the enactment of Section 503, we imported 134,442 content tons of chrome ore from the USSR and 10,700 content tons from Rhodesia. During the first year in which these sanctions were lifted, our Russian imports increased to 180,000 tons while our Rhodesia imports increased to only 27,955 and during the first six months of this year our Soviet imports totalled 28,500 tons as compared to only 1,082 tons from Rhodesia.

Thus, while our total chrome imports have decreased drastically in the past several years, Rhodesia is claiming a smaller and smaller percentage of our total imports of chrome.

Much of the reason for our declining importation of chrome is due to the major increase in the amount of ferro-chrome which the United States is now importing instead. As a matter of fact, it is my understanding that the availability of chrome from Rhodesia has been greatly reduced because of that country's decreased exportation of chrome per se and its increased production and exportation of ferro-chrome, in direct competition with our own ferro-chrome industry.

Our imports of ferro-chrome from Rhode-

sia now far exceed those for chrome both in gross tonnage and in dollar value. Figures available for the first six months of this year indicate that we have imported some 26,700 gross tons of high carbon ferro-chrome at a cost of $4.4 million compared to approximatley 2,100 gross tons of metallurgic grade chrome valued at $67,000.

But while our imports have increased, it is not and will not be necessary for the United States to rely on Rhodesian ferro-chrome to meet our defense and other needs, in my judgment.

The United States is currently importing ferro-chrome from some 11 countries around the world—none of which includes the Soviet Union. Through June of this year, these imports have totalled $20 million, of which Rhodesian ferro-chrome comprises about one quarter.

The ferro-chrome which we are importing from Rhodesia is, by no means the most reasonable in cost. For example, the average value of high carbon ferro-chrome imported from Finland during the first half of this year was 9.83 cents as compared to the average value of high carbon ferro-chrome from Rhodesia at 12.05 cents per content pound.

Both Finland, which is currently a relatively minor source of ferro-chrome and Turkey, from whom we are also obtaining supplies of this material, are substantially increasing their production of ferro-chrome.

Those who urge the retention of Section 503 charge that chrome and ferro-chrome prices will skyrocket. It is my understanding, however, that U.S. Department of Commerce officials who have some expertise in this area, say that just the opposite is true.

Our continued reliance on imported ferro-chrome to the detriment of domestic ferro-chrome industry has already cut that American industry in half. If this trend continues, the United States will be faced with the possibility of becoming the only major nation in the world without a viable domestic ferro-chrome industry.

While Rhodesia is only part of this problem, that country has doubled its production of ferro-chrome and greatly reduced its exportation of chrome.

Our importation of ferro-chrome from Rhodesia has contributed to the loss of hundreds of American jobs and to the threatened extinction of an industry which could be important to our national security.

As a matter of fact, other nations have found a domestic ferro-chrome industry so vital that they have chosen to subsidize this industry rather than export it. This may well be something which we should be considering at this point in our history.

We are presently discovering the danger of reliance upon a limited number of relatively small oil rich countries for this vital sources of energy to avoid total dependence wise to further cultivate our reliance upon a single small and unstable country for chrome and ferro-chrome. Just as we now belatedly searching for alternative forms and sources of energy to avoid total dependance upon the Middle East, so we ought to be potecting our domestic ferro-chrome industry and cultivating other sources of chrome and ferro-chrome lest we become too reliant on Rhodesia.

I would like to turn now to the more international aspects of the American position with regard to Rhodesian trade as exemplified by Section 503.

It would appear to me that there is one major question being totally ignored by those who support continued trade with Rhodesia and that question is, how long can the regime of Ian Smith be expected to remain in power?

There are growing indications of unrest both from within and outside the government. The sanctions appear this year to be having a greater affect than has been the case heretofore. For example, automobiles and trucks which were plentiful in the past are decreasing in number to the dismay of Rhodesian businessmen.

On the other side, the Africans who seek to play a greater role in the destiny of Rhodesia are becoming increasingly militant.

The possibility of the replacement or violent overthrow of the Smith regime is not out of the question and, if it comes, I wonder how sympathetic the new Rhodesian government will be to countries such as the United States which gave economic and psychological support to the oppressive Smith government.

We could well find ourselves totally cut off from access to Rhodesian ores in that instance.

There are, of course, substantial U.S. investments in Rhodesia which could well be seized by a new government as well, and this brings me to another major area of concern. The United States currently has investments valued in excess of $3.5 billion in a number of African states outside Rhodesia—countries which are looking with an increasing lack of sympathy on our continued trade relationship with Rhodesia. I personally do not find much joy in the thought that our policy might result in substantial loss to American companies elsewhere in Africa, but this is another very real possibility.

Our balance of trade is not in as good a position as it could be as you well know. The developing African nations are in need of a number of goods and services produced in the United States and are, in fact, beginning to import substantial quantities of such items as tractors, railway cars, metal pipe and so forth. These nations are a rich source for future American exports which we can ill afford to disregard.

Our open policy in support of continued trade with the Smith regime could tip the balance to where such competitors as Japan or Western European nations would be the beneficiaries of the increasing African market.

Can we afford to continue to antagonize the other African nations which are large and increasing markets for U.S. products through our support of Rhodesia?

Turning to yet another side of our present position, Section 503 is, in my judgment, having an adverse affect on the possible effectiveness of the United States in the United Nations.

I cannot help but feel, for example, that the action taken by the Senate in September 1971 in approving the language of the Byrd Amendment was detrimental to American efforts to line up sufficient votes in the United Nations to support the retention of the Republic of China in that body.

As you may know, the vote which replaced the Republic of China with the Peoples Republic of China came some two weeks after the Senate vote.

The U.N. vote to expel the Republic of China was 76 to 35, with 24 of the African nations voting against the U.S. and against the Taiwan government. Simple arithmetic will give you the results of this vote had these 24 nations supported the U.S. position.

What affect our present position will have on our future effectiveness within the U.N. remains to be seen. But in the month in which I have served as a member of the United States delegation to the U.N., it has become very clear to me that our continued violation of the U.N. sanctions is hampering not only our relations with the African and developing countries, but with our strong and traditional ally, the United Kingdom, as well.

The other governments of the United Nations consider us to be in violation of international law in our public policy of trade with Rhodesia.

This is compounded by the fact that our representatives at the United Nations joined in the imposition of U.N. sanctions and repeatedly voted for them prior to the passage of Section 503.

This is further complicated by the facts that the United Nations does not recognize Rhodesia as an independent nation; that our most trusted ally, the United Kingdom, insists that it is an illegal regime which violation of sanctions is helping to sustain and that no nation in the world has officially recognized its existence.

Many Americans would agree that our continued open violation of these sanctions is needlessly providing major psychological support to a repressive regime.

Many of those in support of retaining the provisions of the Byrd Amendment have argued that other nations who also voted for the sanctions are secretly violating them so the United States should not worry about its position in this regard.

It is true that the United States accounts for only an estimated 5 per cent of the total Rhodesian exports. Obviously the other 95 per cent is going to similar violators of the U.N. sanctions. But the finger of the world is not pointed elsewhere, it is pointed at the United States because we are the ones with an acknowledged double standard.

We are the only nation, while trying to fulfill the role of an advocate for human rights, was first a party to the sanctions, then made their violation a matter of public law and official policy through the enactment of Section 503.

As General Yakubu Gowon, Head of the Federal Military Government of Nigeria said during a recent address in the United Nations, "The illegal regime in Salisbury still continues because of the non-compliance by certain member countries of this organization with the unanimous decisions of the Organization and of mankind. Perhaps those who prefer to sell a few goods to such an illegal clique, or to buy such commodities as the racists of Salisbury wish to sell in order to maintain themselves in power, have made their own calculations and prefer their temporary material profit to their sense of honour and their position in history." The foregoing underlines the strong feeling of our African friends concerning our position on this matter.

It also appears that our position of open trading with Rhodesia on "strategic" materials is encouraging some Americans to continue trade relations in other areas as well. For example, four individuals and two corporations were indicted by federal grand jury for violating the U.N. sanction against Rhodesia last year. All pleaded guilty to planning to build a $50 million chemical fertilizer plant in Rhodesia and to enter into a secret agreement with the Rhodesia regime to ship $5 million worth of ammonia to Rhodesia. All were fined.

Allegations of an American firm selling spare parts to Air Rhodesia are also under consideration by the U.N. at this time.

As you may know, the United Nations has established a special committee to deal with the Rhodesian situation and to investigate alleged violations of the sanctions, not only ours, but those of other nations. The enforcement efforts undertaken by this committee are being substantially strengthened and, in my judgment, will be more effective in the future than they have been heretofore.

Up to this point, I have discussed primarily the economic and political implications of our policy toward trade with Rhodesia. I would like to turn now to the very serious moral question which the existence of Section 503 poses.

Whatever violations of international law or human justice may be made by other nations, the simple fact is that most people in the world expect something better than this from the United States. In the words of Chaucer, "If gold doth rust, what will iron do."

Mr. Chairman, the United States is the greatest free republic in the history of the world—providing the greatest protection to

individual rights and liberties. Yet, through our trade policy with Rhodesia we are casting aside ideals and principles embodied in the Declaration of Independence, the Constitution and our civil rights laws for real or imagined economic benefits.

It is not understandable how we, in the United States, who chose our form of government by majority rule can continue by our present policy to give aid and comfort to a government which not only does not permit rule by the majority of the population, but actually prohibits such majority rule.

The Rhodesian constitution, adopted in 1969, for example, provides that the House of Assembly shall be comprised of 50 Europeans plus 16 Africans. While there are provisions for increased African representation, they are based on economic requirements. Even the amount of African participation in the Assembly is restricted by that provision which requires, and I quote: "when parity of representation with the Europeans is reached, there is to be no further increase in African representation."

Thus, the Africans who comprise 95 per cent of the population can attain at best, assuming a substantial increase in wealth, only parity with that portion of the population which comprises the remaining 5 per cent.

In permitting trade with Rhodesian and, in fact, therefore, permitting American involvement in Rhodesian industry, is the United States not contributing to continued racial discrimination in wage scales? Can we as a nation morally justify the exploitation of Africans who work in the mines of Rhodesia? The subcommittees have already heard testimony that "most Rhodesian Africans are living below the Poverty Datum Line and that 1971 wages for African workers in the mining industry were 353 Rhodesian dollars per year. The average for Europeans, coloureds and Asians in the mining industry was 4,310 Rhodesian dollars per year. Thus in mining wages a racial disparity of 1:13 existed."

A shocking reflection of the lack of concern over the welfare of Africans in Rhodesia is reflected in the disaster which occurred in a mine owned by the Afro-American Corporation. Some 490 miners were killed, 95 per cent of which were Africans, yet the survivors of these victims reportedly received an average of only $41 in compensation.

Mr. Chairman, the civil rights movement is the most important thing which has happened in our country in my lifetime, indeed in many generations, because it accomplished the beginning of the end of such a double standard in the U.S.

It sounded the death knell for the consummate evil of a system of discrimination and apartheid legally sanctioned and enforced in some places but practiced in many more.

It is not easy to create or sustain "one nation under God, indivisible with liberty and justice for all." We are, however, privileged in our time to witness a rebirth of liberty and justice in our land and the beginning of the fulfillment of the Great American Dream for all this nation's people.

That this should be accomplished is important not only to Americans but to all the world because as Abraham Lincoln once said our nation does comprise "the world's last best hope for freedom."

Just as surely as we must make America a land in which every man can find his place in the sun and rise to his full stature and become the best that it is within him to be, even so in our foreign policy we must identify ourselves with freedom and justice in the world and with the aspirations of the peoples of such developing countries as those in Africa.

Just as our country is made stronger when each individual can fulfill whatever gift God has placed within him, so the world in which we live shall be made stronger as the legitimate aspirations of people of Asia, Africa and Latin America are fulfilled.

Our national interest does not lie in the encouragement of repressive regimes of the left or the right but in the achievement of freedom and justice in the world.

Within this context, if we continue to cast our lot with the transient and repressive regime of Ian Smith in Rhodesia, we will be building our house upon the sands. The winds of change are blowing across the continent of Africa with such force that I cannot believe that any structure of colonialism, ethnic minority rule or repression can long stand.

Within the African majority in Rhodesia and their counterparts throughout Africa, there is a determination to bring to a final end the last vestiges of political subjugation and economic exploitation. Through the repeal of the Byrd Amendment, and the clear identification of our country with the aspirations of the people of Rhodesia, we can build our house upon the rock of a position that is economically, politically and morally right.

Such a house will be able to withstand the storms and stresses of our time. I, therefore, urge that this committee favorably report and the House do pass H.R. 8005 to effect the repeal of Section 503 of the Military Procurement Act at the earliest possible time.

FEDERAL AGENCIES AND NEPA

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I have been given a short but highly important paper by Mr. Irwin Schroeder, which appeared in the May Land and Natural Resources Division Journal, and which I feel should be given wide circulation. It deals with the important question of judicial review of agency decisions which comply, or attempt to comply, with the National Environmental Policy Act.

Our committee has maintained a careful and continuing oversight into the progress of the courts and the agencies in developing workable, valid NEPA review processes. It is my feeling, on the basis of this oversight, that mary questions are becoming clearer and that the outlines of what may and may not be done are also clearer. The Journal article is of considerable assistance in this regard.

The article makes the point, on the basis of two Supreme Court decisions, and several by various circuit courts of appeal, that agencies should provide a statement of reasons for their decisions to proceed with major projects—reasons which include nonenvironmental factors as well as the traditional environmental considerations outlined in the NEPA statement. This statement of factors comprises the ultimate decisionmaking document, and provides the public with a adequate basis upon which to evaluate the agency's proposed action. Presumably these factors are included in the final decision in any case, and so it should create no special burden upon the agency to articulate them.

The results of this type of record should be highly beneficial in the long-run, and will unquestionably result in the significant diminution of court reversals of agency actions. As the article points out, the implementation of these procedures may well cause some pain at first to agency personnel who are not accustomed to explaining their decisions to anyone else. The benefits, however, seem far to outweigh the costs, and it is my hope that the Council on Environmental Quality will consider this matter carefully and develop guidelines that will enable agencies to comply with this suggestion.

In the long run, it will result in better agency decisions and fewer court appeals. From this, we will all benefit.

The article follows:

DECISION RECORD IN NEPA CASES—A PROPOSAL

(By Irwin Schroeder)

Substantive review of agency decisions under an arbitrary and capricious standard appears to be an inescapable fact in litigation involving the National Environmental Policy Act (NEPA) in view of recent decisions in courts of appeals for several circuits. This article is intended as a review of this development and to suggest in a general way some approaches to creation and designation of an administrative record which may make the burden of litigation more bearable.

The pivotal cases in this area are *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971) and *Camp* v. *Pitts*, 41 L.W. 3515 (March 26, 1973). The *Pitts* case is basically an application of the rules stated in *Overton Park*. It is significant primarily in the tone used by the Supreme Court with regard to the function of an administrative record in judicial review.

Overton Park was a highway case commenced prior to the enactment of NEPA based upon the requirements in 23 U.S.C. 138 relating to use of parkland. Under that statute, the Secretary of Transportation was directed to approve the use of parkland for roads only if he found that no feasible and prudent alternatives exist and all possible planning has been done to minimize harm. It was argued on behalf of the Secretary that no formal finding of compliance with the statute was necessary and that in any event the finding had been made. No contemporaneous record existed of that finding. The Supreme Court indicated that formal findings were not required but that affidavits created after the fact for litigation purposes would not suffice for judicial review. The case was remanded to the district court for a "substantial inquiry," including testimony by the Secretary if necessary, to determine the basis for the decision to approve the use of parkland. The district court was instructed to consider the "whole record" to determine whether the Secretary's decision was, in light of the appropriate legal standard, arbitrary or a clear error of judgment.

Overton Park was the basic authority relied upon by the Eighth Circuit in *Environmental Defense Fund* v. *Corps of Engineers*, 4 E.R.C. 1721, and the Fourth Circuit in *Conservation Council of North Carolina* v. *Froehlke*, 4 E.R.C. 2039, which hold that substantive review under NEPA can be had. These holdings are contrary to the decision of the Tenth Circuit in *Upper Pecos* v. *Stans*, 452 F.2d 1233. The Tenth Circuit decision is, however, from an early phase of the development of NEPA case law and the issue of substantive review was not squarely presented. Supreme Court review is possible but would not in any event produce results in less than a year.

The cruicial point now is the manner in which the review is conducted. A comparison of *Environmental Defense Fund and Conservation Council* is illuminating on this point. The Eighth Circuit determined from the record before it that the decision was not arbitrary. The Fourth Circuit, on the other hand, remanded the case to the district court for a hearing and determination of that

issue. In both cases the appeal had been taken from a decision by the district court that review was limited to procedural issues and that the environmental impact statement was procedurally adequate. In the *Environmental Defense Fund* case, however, the impact statement was accompanied by a statement of findings in which the responsible official stated the reason for his decision to proceed with the project. The statement of findings was not limited to environmental questions but attempted to weigh and balance all relevant factors including economic and social benefits. In *Conservation Council* no such statement of findings had been prepared.

That the presence of a statement of reasons is crucial to litigation success is indicated by *Camp* v. *Pitts*. That decision did not involve NEPA. It was a challenge to a denial by the Comptroller of the currency of an authorization to open a new bank. The district court had granted a summary judgment for the Comptroller and had been reversed by the court of appeals with directions on remand to hold what amounted to a *de novo* hearing on the agency decision. The denial of the authorization was made in a terse letter which stated simply that a need for the new bank had not been shown by the applicant.

The Supreme Court reversed the holding of the court of appeals stating that a review of an agency decision should be based upon the administrative record compiled by the agency and not a record created later in a courtroom. If the administrative record is insufficient for that review, the matter should be remanded to the agency for the making of a more detailed record. The *Pitts* case relied on *Overton Park* for this view of judicial review. It highlights the need for an agency to designate an administrative record which generally would cover the period from inception of the proposal, including the preparation of the impact statement, to the decision to proceed.

From the foregoing discussion it seems obvious that, in any situation in which an environmental impact statement is considered necessary, the agency should, after filing the final statement with the Council on Environmental Quality, go further and articulate the reasons for whatever action is to be taken, with specific cross-references to the administrative record, including the impact statement. The articulation of reasons should canvass all relevant factors, environmental, social, economic, technical and political, with as detailed references as possible to the appropriate portions of the administrative record. The person drafting the statement of reasons should keep in mind the language in *Calvert Cliffs* v. *A.E.C.*, 449 F. 2d 1109 (C.A. D.C. 1971), which states that NEPA requires that:

Each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance. Only in that fashion is it likely that the most intelligent, optimally beneficial decision will ultimately be made.

The *Calvert Cliffs* decision is the lending case for the proposition that NEPA requires a "finely tuned and systematic" balancing of environmental and other considerations.

The Proposed Guidelines for Preparation of Environmental Impact Statement published by the Council on Environmental Quality on May 2, 1973 (38 Fed. Reg. 10856) do not call for a subsequent statement of reasons. They are not inconsistent, however, with such a procedure. This procedure is implicitly suggested, however, in Section 2 of the Proposed Guidelines, which sets forth general policies to the following effect:

Agencies should *consider* the results of their environmental assessments along with their assessments of the net economic, technical, and other benefits of the proposed actions and use all practicable means, consistent with other essential considerations of national policy, to avoid or minimize undesirable consequences for the environment. (Emphasis added.)

It seems reasonable to assume that NEPA cases in the not-too-distant future will be primarily of the type discussed above. An impact statement, by itself, will not prevent a diffuse, "scatter-gun" kind of review of diverse subjects that can reach intolerable levels if repeated too often. The well reasoned documentary articulation of reasons for agency decisions may limit review to manageable proportions. Designation of an administrative record may prevent frequent remand of the decision to the agency for further explanation. To implement such procedures among the various federal agencies, however, may prove very difficult.

VICA

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, 34 Members of the House have joined with me in cosponsoring the resolution I am introducing today to designate February 10 to 16, 1974, as National Vocational Education, and National Vocational Industrial Clubs of America—VICA—Week.

In this time when our country has a great need for skilled young people in the labor market I feel that it is important to recognize vocational education, along with the vocational clubs which are doing such a fine job in encouraging young people to develop a skill or trade that can be so useful to them and to our country.

I understand that close to a million students in the United States—male and female—are enrolled in trade, industrial, and technical education courses at the secondary level and are being trained in vocational and occupational oriented skills.

Membership in VICA is important to the student in vocational education as it offers that student an opportunity for fellowship and identification with other students who share similar interests and goals in life. Because trade and industrial education involves more than 100 skills, this identification is often lacking.

VICA, because of its intercurricular nature, offers participation to students in all of the diverse occupational-training curriculums.

Although students throughout the country may never meet in the classroom or shop, the student learning cosmetology will share interests and activities with students in printing and auto mechanics through VICA.

In the past 10 years a college education has been emphasized as the major goal for young people, and this is as it should be. But there is also a great need for people trained in vocational skills, and I feel we should pay tribute to these young people and bring their fine endeavors to the attention of the American people. I urge your consideration and support for this resolution.

RESOLUTION

To designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week."

Whereas the objectives of Vocational Industrial Education are to develop, in high school students, manipulative skills, technical knowledge, and related information necessary for employment in any craft, skilled trade, service, and certain semiprofessional occupations; and

Whereas Vocational Industrial Education provides high school students with the necessary skills to enter the world of work; and

Whereas the Vocational Industrial Clubs of America (VICA) is *the* National Youth organization for high school vocational industrial education students; and

Whereas VICA helps promote high standards in trade ethics, workmanship, scholarship, and safety, and aids in developing the ability of students to plan together and to organize projects through the use of the democratic process; and

Whereas VICA creates among students, faculty members, patrons of the school, and persons in industry, a sincere interest in, and esteem for vocational industrial and educational pursuits: now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled. That February 10–16, 1974, be designated as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week".

PROCLAMATION OF INDEPENDENCE OF THE REPUBLIC OF GUINEA-BISSAU

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, on October 16, I held a press conference in which I surveyed the facts as found by the United Nations on the Government, the territory, and the people of the new Republic of Guinea-Bissau and called upon our Government to recognize forthwith the new state. I wish to insert the text of my statement for the thoughtful consideration of my colleagues:

STATEMENT OF THE HONORABLE CHARLES C. DIGGS, JR.

In 1976 we will celebrate the 200th anniversary of the Declaration of Independence, the formal birth of our country. In our protracted war for independence, the freedom loving people of the United States were engaged in a bitter struggle against the greatest world power of that time. The war was not over at the time of independence. But that declaration symbolized both the beginning of the end of colonialism in America and the coming into the world community of a new state, the United States of America. The British neither recognized our right to self determination, nor the declaration of independence, nor, did they voluntarily hand over power to us. We seized it because it was our *inalienable right*.

We are now faced with another declaration of independence: this time, in the former Portuguese colony in West Africa which has become the new Republic of Guinea-Bissau. The proclamation ceremony which took place on September 24th in the forest of the Boe region was attended by the 120 deputies of the Peoples Assembly and the foreign journalists from Sweden, the Soviet Union, Eastern Germany and China. (The Agence France Presse, 27 September 1973).

Just as the United States in the revolutionary war, the people of Guinea-Bissau—

led by the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC)—is fighting for the right to independence against an alien colonial regime. Not even the assassination of their leader, Amilcar Gabral, has interrupted their march towards independence. Since the proclamation of independence, the new state has been recognized by 57 states according to the Department of State and by 62 states according to the OAU. More are expected to do so soon. But the United States decision is so closely held that this office has been informed that as of now even the press guidance is marked classified.

As we approach the Bicentennial of the declaration of independence of the United States, we should make it our national objective to follow our own tradition of liberty and independence with respect to the similar struggle of oppressed people for their liberation and independence.

We recognize that under international law there are certain basic conditions of statehood; that the question of recognition of a new state is entirely within the discretion of the recognizing government; that recognition may be granted or withheld for whatever reasons deemed proper by the recognizing government; and finally, that the United States understandably looks at recognition from the standpoint of doing, or not doing, what will best serve the interests of the United States. We will therefore examine the two fundamental questions posed here. Does the proclaimed republic fulfill the conditions for statehood; and secondly, what policy will best serve the interests of the United States.

PRE-REQUISITES FOR STATEHOOD

I. Government

An essential consideration as to the existence of a new state is whether there is in fact a politically organized community. On this question, see the attached chart which sets forth in diagram form, available information on the political organization of the State of Guinea-Bissau. (Chart not printed in RECORD.)

The May 1973 Working Paper Prepared by the UN Secretariat* reports that in 1964 "The PAIGC had started to establish a network of elected village committees to be responsible for the supervision of trade, education, public health, and everyday security and for the administration of the law. . . . In 1969–70 the PAIGC created sector committees with elected members for some 30 administrative sectors into which it had divided the liberated areas. In 1971 . . . PAIGC set up elected regional committees for each of its 15 regions. This political administrative organization of the liberated areas of Guinea-Bissau provided the structure for the election of the first People's National Assembly in 1972." Elections were held for seats in the 15 regional councils. Seventy-two of these elected candidates were chosen to sit in the People's National Assembly. "To these were added five more to represent the trade unions of Guinea-Bissau and three persons elected by students, most of whom were in Europe. To the total of 80 elected representatives PAIGC added another 40 from its members." (p. 144)

According to the 58 article Constitution of the new state, the People's National Assembly is the supreme body of state power and makes laws and resolutions. It is elected for a three-year term and must meet at least once a year. PAIGC is the leading political force. According to the Constitution, the party represents the people's supreme objectives and sovereign determination. It also decides on the state's political direction and its achievement. The third major political body is the State Council which according to available information exercises the functions normally executed by the head of state and takes over the functions of the National Assembly while the latter is in recess. The State Council consists of 15 members elected by the national assembly. Its president represents the state in international relations and is also the supreme commander of the people's revolutionary armed forces. (As reported by Agence France Presse 28 September 1972)

Domestic Administration

PAIGC's policy in the liberated areas is aimed at eliminating all vestiges of a system imposed by the Portuguese and replacing it with a governmental system appropriate to the needs of the people.

According to the Report of the Special UN Mission of May 1972 a judicial system was set up in the liberated areas in 1969 with three tiers of *courts*. In explaining the judicial system to the UN Special Mission, Mr. Fidelis Almada, the Guinea-Bissau representative in charge of justice, said that the courts were independent of PAIGC and the forces and that all court hearings are public.

With respect to *education*, in 1965 to 1966 the PAIGC was reported to have set up a network of 127 primary schools in the liberated areas with 191 newly trained teachers and 13,361 pupils aged 7 to 15 years. In 1972 PAIGC reportedly had 20,000 children enrolled in some 200 primary schools with a staff of 251 teachers. A total of 495 persons were attending high schools or universities in friendly countries. By 1972 PAIGC had also trained 497 high level and middle level civil service and professionals who were working within the territory. (Working paper of the UN Secretariat, of April 1973, p. 149) *Health* services have also been expanded in liberated areas. In 1969 PAIGC was reported to have six field hospitals, 120 clinics and 23 mobile medical teams at work. By January 1973 200 clinics had been established in liberated areas (ibid.).

The following words of the Special UN Mission indicate that the PAIGC is the sole effective power in the territory: *"The schools operated by PAIGC provide a complete education for the children of Guinea (Bissau) many of whom were born in liberated areas and have never seen a Portuguese"*. (Emphasis supplied)

Foreign Relations

Since 1971, PAIGC has represented Guinea-Bissau in the Economic Commission for Africa of which the territory was designated an associate member. Since its declaration of independence, among the 62 states which have recognized the new state, are included almost all the African states, the Soviet Union, China, and India. Following a meeting between General Gowon, President of the OAU, and Nzo Ekangaki, the Secretary-General of the OAU, it was announced that the OAU will take steps to admit Guinea-Bissau into full membership of the OAU and that the OAU will do everything possible, with full consultation, to ensure the admission of the new state to the United Nations (Lagos Domestic Service, 2 October 1973). In his statement of October 5 to the U.N. General Assembly, General Gowon stressed the importance of this issue for Africa, appealed for further support from "the friends of Africa" and expressed the hope that "that the new nation will shortly take its rightful position as a proud member of the international community." The Foreign Minister of the new Republic is expected in New York next week.

II. Territory

Another condition basic to statehood is that the entity in question have substantial control over its territory. On this point the May 1973 Working Paper Prepared by the UN Secretariat states:

"Since the beginning of the arms struggle in Guinea-Bissau in 1963, the forces of PAIGC have gradually penetrated the entire territory. By 1964 PAIGC was already organizing its liberation forces into a regular army. In 1968 PAIGC began attacks on Portuguese military outposts and by 1969 was striking urban centers. PAIGC reports that by June 1969 the Portuguese forces had withdrawn to the main urban centers, to those sections linking the main urban centers and to some waterways essential for supplying inland military camps. (p. 143)

"By 1971 it was reported that Portuguese forces were no longer safe in any part of the territory; civilians in urban centers lived in a permanent state of alert; and most Portuguese officials have sent their families back to Portugual. Portuguese forces continued their frequent bombing of the liberated areas. In June 1971 despite Portuguese repression, PAIGC artillery with infantry support prepared to break through the Portuguese defenses of Bissau, the capitol, and attacked military positions in the town. The attack on Bissau was followed up with an intensification of political activities in the capitol. (ibid.)

"In 1973 the PAIGC reported that almost ¾ of the territory had been liberated and ⅔ was under PAIGC control." (ibid. page 144)

The Special UN Mission visiting Guinea-Bissau in May 1972 reported *"that the struggle for the liberation of the territory continues to progress and that Portugal no longer exercises any effective administrative control in large areas of Guinea-Bissau are irrefutable facts.* (Emphasis supplied). According to PAIGC, the liberated areas now comprise either more than ⅔ or between ⅔ and ¾ of the territory." (ibid, p. 144.)

Compare this report from UN and other observers who visited the territory with the view of the State Department that the PAIGC has control over no more than ⅓ of the territory. Note, on my visit to Guinea-Bissau in August 1971 it was clear then that even the capitol city of Bissau was an armed camp and that the Portuguese were hard pressed.

On the basis of the report of the Special Mission, the Special Committee on April 13, 1972 adopted a resolution that "expresses its conviction that the successful accomplishment by the Special Mission of its task—establishing beyond any doubt *the fact that de facto control in these areas is exercised by the Partido Africano da independencia da Guinea-Cabo Verde, the national liberation movement of the territory—constitutes a major contribution by the United Nations in the field of decolonization"* (operative para. 5)

It is to be noted with respect to the question of Cape Verde, that the proclamation of the new state (see attached for text) addresses this point precisely:

"It is the duty of the state of Guinea-Bissau to accelerate by all possible means expulsion of the aggressive forces of Portuguese colonialism from the part of the territory of Guinea-Bissau they still occupy and to intensify the struggle in the Cape Verde islands, an integral and inalienable part of the national territory of the people of Guinea-Bissau and the Cape Verdes.

"In the Cape Verde islands, the popular assembly of the Cape Verdes will be set up at the opportune moment. It will create the supreme sovereign body of our people in its unified state—the supreme assembly of the people of Guinea-Bissau and the Cape Verdes."

III. People

The reporter who has made continuous observation of the developments in Guinea-Bissau, Basil Davison has reported:

"Most of the PAIGC area was in the deeply populated south where Amilcar Cabral had built up a system based on village support." (Sunday Times, 21 January 1973).

The Special UN Mission "was impressed by the enthusiastic and wholehearted cooperation which PAIGC receives from the people in the liberated areas and the extent to which the latter are participating in the

*A19023/ADD. 3, 19 September 1972.

administrative machinery set up by PAIGC and of the various programs of reconstruction."

"According to detailed figures produced by the PAIGC, the total number of registered voters was 85,517. Direct and secret elections were then held in the villages where 'yes' and 'no' votes were cast for lists of local candidates for each sector. A total 82,032 persons cast their votes. Of this total 79,680 voted yes and 2,352 no. (From the working paper of the UN Secretariat on the establishment of the People's National Assembly in Guinea-Bissau" (p. 143 ff.)

On the basis of the experience of the Special Mission to Guinea-Bissau, the Special Committee unanimously adopted a resolution affirming on April 13, 1972 that PAIGC is "the only and authentic representative of the people of the territory." (operative paragraph 2)

IV. The US Test of Recognition of a New State: Acquiescence of the Colonial Regime

First, our own history must be cited as the refutation of any requirement that the acquiescence of the colonial power is an indispensable condition for U.S. recognition of a new state.

The facts here, moreover, clearly establish that the government of Portugal itself has rendered any such requirement by our government inoperative. The United Nations has rejected Portugal's claim that the colonies are an integral part of Portugal. Portugal took no steps to comply with the 1960 Declaration on the Granting of Independence to Colonial Countries and People, G.A. Res. 1514 (and G.A. Res. 1542)—resolutions in which the international community called on all colonial powers (and in particular Portugal) to take immediate steps towards the transfer of power to the people of non-self-governing territories (and in particular to the people of Guinea-Bissau.) Nor did Portugal comply with G.A. Res. 2621 of October 12, 1970 which contains a full program for the implementation of the Declaration. In G.A. Res. 2918 of November 15, 1972, the General Assembly has condemned "the persistent refusal of the government of Portugal to comply with the relevant provisions of these and other UN resolutions." On November 22, 1972 our government supported the action of the Security Council in unanimously adopting S.C. Res. 322 which called on Portugal to enter into negotiations "with the parties concerned". Portugal responded by defending her position that UN bodies under the charter (Article 27) were not competent to deal with the matter.

Moreover, in its proclamation of independence, the new state declared that:

"It supports the solution of conflicts between nations by negotiations; and in this context in accordance with the resolutions of the highest international bodies, it declares it is prepared to negotiate a solution to end the aggression of the Portugese colonial government."

On September 29, 1973 the Agence France Presse reported that the Portuguese government flatly rejected the offer to discuss a solution to the situation and that an official source said the Portuguese government:

"is not disposed to discuss with terrorists who represent nobody, unless it is foreign powers and interests, especially now that they have proclaimed a fictitious independence."

The continued intransigence of Portugal with respect to the offer of negotiations and its history, as found by the United Nations in G. A. Res. 2818, of "the continuation by Portuguese military forces of the indiscriminate bombing of civilians, the wholesale destruction of villages and property and the ruthless use of napalm and chemical substances in Angola, Guinea-Bissau and Cape Verde and Mozambique" reduce any such requirement of acquiescence of the colonial regime to absurdity.

Under international law, it is established that "so long as the new entity exercises sovereign authority over some inhabitants and in some territory, the three indispensable elements of statehood (government, territory and people) exist, and the new state may be recognized as an international personality. (2 Whiteman p. 113, citing Schwarzenberger, International Law (1957)).

U.S. INTERESTS

Since the state of Guinea-Bissau possesses those prerequisites of statehood (machinery of state, substantial control of territory and consent of the governed), the question becomes what is the U.S. interest with respect to the recognition of the new state. There is no real issue here because the interest of the United States must be on the side of the principles which we have pledged in the United Nations charter, including:

—the development of "friendly relations among nations based on respect for the principal of equal rights and self determination of peoples". [Art. 1(2)] Thus our NATO alliance with Portugal cannot be an excuse for our condoning its struggle to repress equal rights and self determination of the people of Guinea-Bissau.

—the achievement of "international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". [Art. 1(3)] Thus our NATO alliance with Portugal cannot be an excuse for failure to promote and encourage respect for human rights and fundamental freedoms for the people of Guinea-Bissau.

Further, an enlightened view of our foreign policy, economic and geo-political interests make clear that our interests lie in recognizing the new state. Let us not, on the eve of our Bicentennial, turn our back on the words of Jefferson in 1972 in reference to the revolution in France: "It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation, substantially declared."

CONCLUSION

It is for these reasons that I call on the United States:

(1) to recognize the State of Guinea-Bissau

(2) to comply with the General Assembly resolutions calling on all states to provide moral and material assistance to the people of Guinea-Bissau.

Further, if our government nevertheless refuses to take the above course, I specifically call upon it: first to state fully and honestly its policy reasons and not to hide behind the subterfuge that it does not have sufficient facts to make a determination; and secondly, not to block or seek to block the admission of Guinea-Bissau into the United Nations or the Specialized Agencies.

ADDENDUM

Finally, I would draw your attention to the following:

The publication of the hearings of the Subcommittee on Africa on the Implementation of the Embargoes against South Africa and Portugal and Related Issues—These hearings are quite revelatory, particularly with respect to the growing supportive relationship between the United States government and Portugal.

The publication of the hearings of the Subcommittee on Africa on Minority Rule and Refugees in Africa. Only last week President Mobutu advised that 800,000 refugees have fled to Zaire alone because of Portuguese colonialism.

The necessity for continued vigilance less the infamous Azores Agreement be renewed. This Agreement which was concluded in 1971—leading to my resignation from the U.S. delegation to the General Assembly—is coming up for renewal now, as it expires in early 1974. (See attachment for further information) As to the meaning of the Azores Agreement, Dr. Caetano advised a Portuguese audience that

"The treaty is a political act in which the solidarity of interest between the two countries is recognized and it is in the name of that solidarity that we put an instrument of action at the disposal of our American friends who are also now allied."

The growing concern of the Congress as to U.S. government support of Portugal, as indicated by the adoption of the House and Senate of the Young and Tunney amendments, respectively, to the foreign aid bill, providing that both assistance under the Foreign Assistance Act, and the furnishing of defense articles or services or of P.L. 480 Agricultural Commodities *to Portugal shall be suspended* if it is determined that such assistance or item has been used in support of Portugal's military activities in its African colonies.

WE SHOULD KEEP OUR PERSPECTIVE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Speaker, I was interested to read today's prediction by the New York Times that "ahead lies perhaps the most sweeping investigation ever made of an American political figure," referring to the confirmation of the Vice-Presidential nominee.

I do not question the accuracy of this prediction or the propriety of a complete examination of the nominee's qualifications. I simply want to issue a warning. As these proceedings move forward, it is as certain as night follows day that during the next few weeks, a large bevy of investigative reporters in search of an elusive Pulitzer prize, overzealous congressional staffers, and some Members of Congress will be placing the nominee under a microscope subjecting him to scrutiny that demand superhuman qualities. You can count on them to treat minor incidents from the past as major revelations in the hopes of promoting their own individual ambitions. There is nothing that attracts ambitious people more than the prospect of universal acclaim as a "giant killer."

If we allow ourselves to be entrapped during these proceedings, the House will be the victim, not the President or the nominee. I do not suggest anything less than a thorough examination because the nominee comes from our ranks or an examination that does not establish sound precedent. I simply suggest that a perspective should be maintained as we move forward in this matter. We should resist any effort to stampede us into demanding standards beyond the reach of any public figure including Members of Congress. We should proceed with all deliberate speed as we would want Congress to proceed if each of us were in JERRY FORD'S shoes.

VETERANS DAY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, October 22 is Veterans Day. It is a national holi-

day set aside to pay our respects and offer our thanks to the millions of men who have interrupted and even sacrificed their lives in military service to keep this Nation free. The Nation will always be indebted to these men. Over the years a wide array of programs and services have been designed to help these young men and women make a smooth transition from military to civilian life, to help those injured and wounded in the service of their country, and to provide for widows and children left behind.

Perhaps the best known of these programs is commonly referred to as the GI bill, a program of educational assistance that offers veterans at least $220 per month for up to 36 months at educational institutions of their choice. The single veteran is thus eligible for a $1,980 scholarship for each of 4 school years, making the GI bill the most generous Federal scholarship available. With Veterans Day around the corner, it seems appropriate to take a close look at this $2.5 billion veterans program and how well it is serving the veteran.

The conclusions from such a study are startling to anyone who has casually assumed that the Federal Government is taking good care of its ex-GI's. In fact, educational benefits are not equivalent to the benefits provided to veterans following World War II. Those who most need GI bill education benefits, that is, those who had the least education before entering the service, use the GI bill far less than their more educated counterparts. Finally, whether or not a Vietnam veteran can take advantage of his GI bill benefits depends more on the State in which he resides than upon any other factor. As a result many States, including New York, are losing millions of dollars in GI bill benefits which could be flowing into private and public colleges in the State because veterans find it too difficult to use the GI bill.

Some of these conclusions are well known to many observers of veterans programs and to the Veterans' Administration itself. For example, although the Veterans' Administration doesn't like to admit it, dollar for dollar we give today's ex-GI less than we gave his father after World War II. In those years, the GI bill paid for practically all tuition, books, and educational fees, with the payment going directly to the college chosen by the veterans. In addition, the VA paid each veteran $75 per month for living expenses, putting a 4-year education at a public college or university within the reach of every veteran. Today there is no direct tuition payment, and increases in the cost of living plus the dramatic increase in educational costs at both public and private colleges, have made today's GI bill relatively less helpful for the GI who wants to return to school. For example, in 1948, the $75 per month living allowance received by veterans represented 35.4 percent of average U.S. monthly earnings as determined by the U.S. Department of Labor. Using that measure today, 35.4 percent of average monthly earnings represents $220 per month—ironically, the exact payment Vietnam veterans receive to cover all educational expenses as well as living cost.

The level of assistance provided by the GI bill may help explain why those who need the GI bill the most use it the least. Substantial additional resources are needed by the ex-GI if he wants to use the GI bill to return to school, but the chronic, above-average unemployment facing the veteran and the difficulty in securing educational loans certainly contributes to discouraging veterans. Those with the least preservice education are likely to be the most negative about their prospects for further education anyway, and the economic obstacles thrown into their path must seem insurmountable in many cases. As a result veterans who had some preservice college experience are two to three times as likely to return to college or junior college as high school graduates, and up to four times as likely as those veterans who dropped out of high school before entering the service. Stated another way, about 20 percent of Vietnam era veterans have less than a high school education, yet these men account for only about 3 percent of those veterans enrolled in college or junior college under the GI bill.

Perhaps the most startling conclusion of all, however, is the fact that there is a clear geographic use pattern of GI bill education benefits, with a wide variation in the number of veterans who use the GI bill in each State. For example, 37 percent of California's Vietnam era veterans have used the GI bill to go to college or junior college, but only 17 percent of New Jersey's veterans have. This is a remarkable disparity.

A comparison of utilization rates by States reveals the fact that Western and Midwestern States seem to enroll far more of their veterans in schools than other parts of the country. No Eastern State has more than 25 percent of its eligible Vietnam-era veterans enrolled in college under the GI bill, but 19 other, primarily Western States do. Perhaps this pattern is explained by the relative availability of inexpensive, accessible, public education opportunities supplied by State colleges and junior and community colleges. The growth of these types of institutions has been uneven nationally concentrating primarily in the South and West. A veteran returning to a State with an underdeveloped community college system has a set of opportunities far less attractive than the veteran in a State with a fully developed system. The costs at private colleges are out of reach for most veterans, and if public college opportunities are not readily available, the use rate drops.

Let me describe this pattern as it relates to my own region of the Nation and as it compares to California. The percentage of veterans who have ever used the GI bill to go to college in New York is 21.3 percent; in New Jersey, 17 percent; and in Connecticut, 19.4 percent. California's 37-percent use rate far outstrips all of these figures. Interestingly enough, California also has 763,000 junior college slots, compared with only 216,000 in New York and 55,000 in New Jersey. Tuition charges for public colleges in these three States are also higher than in California, with the notable exception of the City University of New York, whose low charges have attracted thousands of veterans as students.

When these use rates of the GI bill are translated into Federal dollars the consequences are truly staggering. In the fiscal years 1968 through 1973, California veterans have received $1,270,000,000 in GI bill payments. New York veterans have received $457,360,000 or a little more than one-third what California's veterans have received even though New York has almost two-thirds the number of California's veterans. In fiscal year 1973 alone, California's veterans received $380,085,982 in GI bill education benefits and New York only $141,885,629. Because New York State has not been able to attract as many veterans into its educational institutions, New York's veterans and the educational institutions of the State have been losing hundreds of millions of dollars. California has not been getting more than its share or depriving the veterans in other States, however, since the GI bill is an open-ended program for which Congress appropriates whatever funds are needed. While I can estimate the dollar losses to the State of New York, it is impossible to estimate the damage of the lost training opportunities, the potentially higher skills, higher incomes, and higher taxes paid by a better educated work force. The World War II and Korean war GI bills had a great broadening effect on our society by giving men and women veterans the skills they needed to become competitive. Today's GI bill operates in such a way that some States may be losing their ability to compete with others, as huge disparities in the Federal Government's largest educational assistance program continue.

All of these problems with the current GI bill can be solved. I am today introducing some of the necessary legislative solutions, most of which I have introduced in previous Congresses. Foremost among these is an immediate increase in GI bill educational assistance allowances from the current base of $220 to $250 a month, with scaled increases depending on the number of the veterans dependents. The 13.6-percent increase would compensate for cost-of-living increases, making the return to school a more attractive option for many veterans. I have been advocating this step since I first came to Congress 9 years ago. This legislation would also allow veterans 10 years in which to use the GI bill, rather than the current 8, and would allow veterans to accelerate their educations and speed up the rate at which they can draw on their educational entitlement. These measures would make the GI bill more flexible and encourage veterans to return to school. Finally, this bill would give all veterans an additional 9 months of educational assistance, to compensate for the fact that so many veterans have professional reasons for continuing their educations after college into graduate school.

I am also introducing a bill to provide for direct tuition payments of up to $1,000 for each school year as a means of equalizing the opportunities of veterans in the several States. A veteran's chances for higher education should not depend on what State he lives in. A national GI bill should provide nationally comparable

benefits, which the current GI bill clearly does not.

I was encouraged to note last week that the Education and Training Subcommittee of the House Veterans' Affairs Committee has already accepted some of these proposals, including the 13.6-percent increase in benefits, the 10-year entitlement period, and the additional 9 months of benefits. I am hopeful that action will also be taken on the direct tuition proposal, which is crucial to the future of thousands of discouraged veterans who have found the doors to higher education shut in their faces.

The final element of a restructured veterans education program does not require new substantive legislation. The veterans cost of instruction program operated by the Office of Education, pays a bonus to colleges which increase their enrollment of veterans by 10 percent. While the current program discriminates against those colleges with large veteran enrollments, its principal problem is that it is underfunded. Although only $25 million has been appropriated, $144 million has been requested by colleges and universities all over the Nation. New York State received $1,471,568 of this amount but could use 10 times as much. The cost of instruction program promises to be just the incentive colleges need to enroll veterans and provide the remedial, counseling and supportive services which will not only get veterans into school but to stay there until graduation as well. I am hopeful that the Appropriations Committees of the House and Senate will approve greatly expanded funding for this program in this fiscal year.

Today's GI bill provides inadequate benefits which are used least by those who need them the most. Its usefulness depends too heavily on what State the veteran returns to. The program I have outlined would increase benefits to a level comparable to those granted veterans of previous wars. The direct tuition payments would equalize access to higher education for all veterans and wipe out State differentials which have deprived too many veterans in New York and other States of a realistic chance at higher education. Adequate funding for the cost of instruction program would provide the necessary incentive to colleges to reach out to veterans and increase the utilization of the GI bill.

The measures I have outlined are a bare minimum if we are to fulfill our responsibility to the men and women who have served their Nation so well. Service in an unpoular war should not make service to these men and women unpopular as well. An improved GI bill is both obligation and necessity.

PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I was unavoidably absent from the floor for rollcalls 532, 533, and 534. Had I been present and voting, I would have voted "aye" on rollcall 532, "noe" on rollcall 533, and "noe" on rollcall 534.

THE WORLD STRENGTH OF COMMUNIST PARTY ORGANIZATIONS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, the 25th annual report of the U.S. State Department's Bureau of Intelligence and Research regarding the world strength of Communist Party organizations has recently come to my attention, and for the benefit of those of my colleagues who may not have seen it, I would like to report a few of its highlights.

The State Department notes that the "vulnerability of a country may have no direct relationship to the size of its Communist Party." This is a significant declaration, confirming what many of us who are concerned with the Communist menace have long maintained. Italy, for example, has a very large Communist Party but it has not gone Communist as a nation while Fidel Castro, with only a relative handful of cobelievers, was able to subvert Cuba.

The State Department says 1972 membership among Communists outside the United States totaled 47.7 million—half a million more than in 1971.

Most ruling Communist parties did not report gains in membership last year while in the nonruling Communist parties of Japan and Italy plus the newly created one in Bangladesh there were sufficient increases to boost nonruling party membership to 6.1 percent of the world Communist total.

The report puts party membership in Red China at 17 million and in the Soviet Union at 14.7 million. Of the 14 countries in which Communists are ruling today, the Chinese Communists and Russians account for 71 percent of total world Communist membership. However, the figure for mainland China dates back to 1961 because there have been no new figures released since then, the State Department reported.

A total of 39 Communist Parties are proscribed, as of December 1972, but the State Department adds that "many other countries would not tolerate Communist activities if the parties attained any importance; and in most countries where Communist Parties are legal but not in power, their activities are restricted in some degree."

Due in large part to the Communist takeover of mainland China in 1949 and Cuba in 1959, world party membership has more than doubled since 1948 when it amounted to 21.4 million.

The report notes that "the Communist movement in 1972 maintained its customary show of dutiful loyalty to Moscow by most parties, large and small" but there were still periodic outbursts from Western European and Australian Communists over the U.S.S.R.'s heavy-handed treatment of Czechoslovakia in 1968 and since.

The dispute between the Soviets and Red Chinese increased in vehemence and vitriol in 1972 and there are now 25 countries in the world with both pro-Moscow and pro-Peking Communist Parties. Among ruling parties, only Albania sides with Peking. The State Department considers North Korea and North Vietnam neutral, Yugoslavia and Romania "independent" on the Sino-Soviet question and all the rest decidedly pro-Soviet.

Peking enjoys its greatest support among nonruling parties in Burma, Cambodia, Thailand, Malaysia, Singapore, and New Zealand. Nonruling parties which are critical of both Peking and Moscow are found in Japan, the Netherlands, Spain, Sweden, and Reunion. With the possible exception of parties in Laos and South Vietnam, the rest appear to side with Moscow.

The report points out that in Yugoslavia party membership is falling off, the number of workers in the party amount to only 28.8 percent and the number of workers in the 620-member, 5-chambered Federal Assembly is 5—a fact publicly deplored by Yugoslav Communist leaders.

Excluded from the State Department survey is the Communist Party of the United States, however, the 1973 Yearbook on International Communist Affairs, published by the Hoover Institution Press at Stanford University, tells us that in 1972, General Secretary Gus Hall reportedly claimed a party membership of between 16,000 and 17,000 dues-paying members and from 120,000 to 125,000 "state of mind" Communists. This would have meant an increase of 1,000 to 2,000 regular members over the 1971 figure. In May 1972 the current membership of the party's youth organization, Young Workers' Liberation League was reported at 1,150.

I consider the membership figure given out by Gus Hall to be a highly inflated one. As I advised this House on July 19 of this year, there have been no registrations conducted of Communist Party membership in the past 15 years and party leaders really don't know what the membership of the party is at the present time.

Communist Party officials, in giving membership figures to the press for any particular year or years, have varied considerably indicating that the party uses the term "member" to suit its own needs. The numerical strength of the Communist Party as a measuring device for determining the party's potential as a threat to our internal security is misleading for it does not reflect the true facts. It is vital to recognize that the current hard-core CP membership through its fanaticism, its propaganda, and its masked activities through front groups and infiltration of mass organizations, wields an influence far out of proportion to the actual number of party members. A good example of this was organization of the National Defense Organization Against Racist and Political Repression—NDO—in mid-May. I reported at some length on this Communist Party, U.S.A. front group to the House on May 17, 1973, noting at the time that the NDO had attracted the support of a number of well-meaning noncommunists who endorsed NDO's program for opposing in-

ternal security legislation and attempting to repeal security statutes now on the books.

I said at that time that "there are whose who may scoff at the significance of the NDO program, but let us make no mistakes; the CP does not consider the NDO program insignificant. Those who choose to downgrade the threat of this Communist Party-directed operation are sadly underestimating the zeal and dedication of some of the participants."

We must ever be alert to the activities of the Communist Party U.S.A.—no matter what their claimed or actual membership may be—for they are dedicated to causing much mischief in pursuit of their avowed goal of subverting and ultimately destroying our system and institutions of government.

ACCREDITATION OF HOSPITALS: FIRE HAZARDS AT BETHESDA NAVAL HOSPITAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, our colleagues will recall my interest in the subject of the accreditation of hospitals and the fact that I have introduced three bills—H.R. 1898, 1899, 1909—during this session of the 93d Congress. I regret to report that as of this date, there has been no action on any of these proposals.

Mr. Mal Schecter has recently written a preceptive article dealing with the history of the Joint Commission on the Accreditation of Hospitals for the magazine "Hospital Practice." I am including his article as a part of my remarks and commend it to all those who wish to gain a better understanding of the accreditation process and why it is necessary for the Congress to act on the legislation I have introduced.

With regard to the Bethesda Naval Hospital, I invite our colleagues particular attention to Mr. Schecter's comments, to wit:

Yet much of it is a firetrap; specifically, the hospital's 14-story tower, which is set on a 4-story pedestal.

What qualifies it as a firetrap, according to fire-safety experts consulted by "Hospital Practice," is the fact that the tower has but a single stairwell. The Life Safety Code of the National Fire Protection Association requires at least two means of egress from patient floors. Elevators, which cannot be relied upon in fires, are not legitimate egresses under the code.

The presidental quarters are in the pedestal, with plenty of escape routes, the Navy says. But there are no external fire escapes to bring down Members of Congress and other dignitaries who typically are given private rooms in the tower. Some 110 of the hospital's 690 beds are above the tenth floor, which probably would be impossible to evacuate with ladders. The usual patient load on these floors is 75 to 90. Most of the patients are said to be ambulatory.

Mr. Speaker, I am including as a part of my remarks, a memorandum from Dr. D. J. Monarch of the Department of the Navy dated October 25, 1972, and an exchange of correspondence I have had with officials of that Department. I have also included the text of the bills dealing with the subject of accreditation which I have introduced.

ARBITER OR ADVISER: JCAH TACKLES TASK OF BEING BOTH

In 1918, the Regents of the young American College of Surgeons suppressed the first report on hospital standardization. In the basement of a New York hotel, they incinerated the names of hospitals that could not meet the simple requirements. Some 700 had been visited; only 89 made the grade. Some prestigious institutions did not.

The forerunner of the nation's foremost hospital accreditation program, conducted now under the Joint Commission on Accreditation of Hospitals, was thus born on a tide of embarrassment. One critic has called the incineration "intellectual and moral cowardice." Yet, says a JCAH commissioner, Dr. Carl P. Schlicke, a less "tactful" approach might have aborted the program.

In the present age of public accountability for professional activity, JCAH today faces a dilemma similar to that resolved by the hotel burning of survey records. It would like to be the public's friend but it can function, in its view, only by being the professional's confidant.

Meanwhile public expectations have changed and to some laymen, who, rightly or wrongly, consider that JCAH functions (or should function) as arbiter and guarantor of good care, JCAH's modus operandi is obsolete and in need of revision. Even some JCAH advocates seem to see a handwriting on the wall: Change or die. Dr. Schlicke, writing in *JAMA*, put it this way:

"In my opinion, the JCAH will have to broaden its base and include representatives of the public on its governing board. They should serve not as a disruptive minority group but as responsible participants in policymaking. The JCAH needs their advice regarding the acceptability, accessibility, and aptness of health services."

He suggests representation as well from nursing, allied health professions, and possibly "even from government." Such representation need not sacrifice decision-making by professionals in their own sphere. Looking further ahead, he believed JCAH "will have to develop and adopt methods of judging the substance and quality as well as the surroundings of medical care. It will have to have the courage to adopt and apply standards for the delineation of clinical privileges. If it will do these things, I believe it will endure."

Some critics believe the end of the line has been in sight for some traditional JCAH precepts for some time. For example, the commission maintains it is not the regulator the public thinks it is and its accreditation certification is not a public guarantee of quality care at the institution. Rather, JCAH is a consultant and the certificate is an indicator. Yet, institutions recognize that the certificate is the gateway to far more than a friendly JCAH pat on the back. Accreditation is the basis for regulatory actions. Sixteen Blue Cross plans base institutional eligibility to serve subscribers on hospitals' being accredited. The federal government in Medicare and Medicaid also takes accreditation as prima facie evidence of qualification to serve. A hospital's acceptability as a site for training interns and residents is based on accreditation. Therefore, critics contend, JCAH's insistence that it is not regulatory but consultative or tutorial may be technically correct but practically wrong or misleading.

The commission's Executive Director, Dr. John D. Porterfield, protests that JCAH is not responsible for the uses to which outside groups put accreditation. Acceptance of a regulatory role would undercut the quintessential JCAH function of tutoring institutions on how to improve voluntarily. Instead of confiding, hospitals would start hiding their problems from surveyors, he suggests. Yet some hospital and consumer observers say that in many institutions this is an anachronistic posture: a lot of hiding goes on precisely because of the need for accreditation.

"Consumers and government want much more from us than we are prepared to give," says Dr. Porterfield. JCAH, he continues, is prepared to survey the "nest"; approval signifies likelihood that the "egg" of patient care is not in bad odor. He believes there is a clear linkage between a good environment for patient care and its excellence, but the linkage is not guaranteed. Critics of JCAH agree but believe the preannounced surveys, lasting from one to three days, are superficial, subjective, and too reliant on paperwork.

As a matter of principle, JCAH has avoided direct assessment of the quality of medical care, insisting the job be done by the hospital medical staff. JCAH does review records indicating the staff's care-review activity. JCAH's avoidance of direct assessment has been partly due to political problems: medical staffs have been jealous of outside interference or demands for accountability. It has been partly because of technical problems: objective tools for evaluating care have been slow in coming.

But in this regard, too, events are propelling JCAH in directions it never dreamed of a decade ago. Expressed principally through government is a demand for public accountability of the quality of care. The 1972 Social Security Act authorized Professional Standards Review Organizations as mechanisms to assure the medical need for and quality of services under Medicare and Medicaid. These peer review mechanisms obviously are to be available for application to privately financed care, too. The demand by government and the public for assurances has put many health care bodies on the spot. Among them are JCAH's prime sponsors—the American Hospital and American Medical associations. Each controls 7 of the 20 seats on the JCAH Board of Commissioners, with three seats each held by the American College of Surgeons and American College of Physicians. The demand for public accountability has produced a competition among various groups for hegemony over peer review. The AMA is pushing harder than ever for peer review while the AHA is promoting a general, inhospital plan called Quality Assurance Program. JCAH, itself on the spot, is at center stage because it has produced possibly the only widely available practical method of self-audit of medical staff performance. The system, developed coincidentally with the preparation of federal legislation and application of the 1970 revised JCAH standards, is being explained nationally through Trustee-Administrator-Physician Institutes.

Though still not directly assessing quality of care, JCAH may be approaching—by requiring use of its audit system or the equivalent—its public image of guarantor of quality care. Peculiarly enough, the more successful the commission is in improving hospital performance, the greater the public reliance and expectation and the more likely will be pressures to reform JCAH into a quasi-public body, some observers believe. The clash of public and professional expectation may produce a break in the commission's historic policies.

The differing concepts of what JCAH is, how it serves or should serve the public interest, and what it ought to be present an enormous public relations problem. Dr. Porterfield has been at pains in congressional hearings to distinguish among accreditation, licensure, and certification. He told a Senate health subcommittee last year that accreditation "was never intended as a device to protect the public, even though in former decades it was almost the only identifiable benchmark of reliability." He acknowledged

that consumers see accreditation as a protective guarantee of quality. Accreditation, he indicated, begins where licensure ends, licensure being a government agency's approval of an institution as fit to serve the public by virtue of meeting minimum essential standards. "All we can say, with our accreditation, (is) that the hospital is apparently living up to a normal, reasonably close approximation to nationally adopted standards and that we have no reason to think that (it) will willfully be in default on a certain day," Dr. Porterfield told Sen. Edward M. Kennedy (D–Mass.).

Some problems of defining JCAH result from its own growth and evolution amid changing expectations. Its $1.3 million budget of 1969 mushroomed to $4.5 million in 1972. The annual workload is now 2,800 hospital surveys. The frequency of surveys and their depth, the toughening and addition of standards, and the widening of special accreditations for longterm care facilities, institutions for the mentally retarded, and psychiatric hospitals have put a strain on JCAH resources. Simultaneously, the commission has undertaken a federal contract to list hospitals with special services, such as cancer and heart disease facilities, possibly a forerunner of more special accreditations. JCAH also has begun experiments in collaborative surveys with several state licensure agencies and with the California Medical Association, which directly evaluates the quality of the medical care "egg" while JCAM assesses the "nest." Added to all this is the medical-audit initiative.

Some critics think JCAH has bitten off more than it can chew, given its income, sponsors, and staff. One result may be that the quality of its surveying has become spotty. Dr. Porterfield acknowledges that JCAH has egg on its face because it accredited and then, following a *Chicago Sun-Times* exposé of deplorable conditions, had to disaccredit the city's Cermak prison hospital; the original survey was poorly done. Ralph Nader's Health Research Group has charged that JCAH pulled its punches in granting a two-year accreditation to a Maryland hospital with poor record-keeping procedures. However, numerous federal and private hospital sources report JCAH does a solid job in general, despite occasional lapses.

Some JCAH problems may relate to the doubling of its survey staff in the last few years. The corps of 41 full-time and 29 part-time surveyors includes 36 physicians (17 full time), 18 hospital administrators (14 full time), and 13 nurses (10 full time). The turnover is a glaring 50% annually, says Dr. Henry Speed of JCAH's Hospital Accreditation Program. The big turnover among physicians, many of whom are retirees, is laid to the tough "gypsy" life they lead, perhaps three months on the road for a single itinerary. At about $17,000 a year, physician pay is a restriction of recruitment. The commission would like to pay more but its income from fees is paced by what small hospitals can afford; they bridle at the current $350 per diem. Another strain comes from the impending retirement of veteran JCAH officials, such as Dr. Otto Arndahl, longtime head of the Hospital Accreditation Program.

Additional pressure stems from the realization that JCAH needs a modern, formalized curriculum for training surveyors to meet the investigative, instructional, and diplomatic complexities of the accreditation visit. Techniques of detecting problems and giving consultation are being studied as part of a surveyors' "West Point" in preparation. Meanwhile a vastly stepped-up effort to teach the medical audit procedure is being led by Charles Jacobs, assistant JCAH director. A lawyer, he is one of several new faces in an aging hierarchy, and is director of legal affairs as well as of professional education activities.

The tempo and variety of current activity hardly suggest a moribund organization. The commission has moved from antiquated quarters to the 21st floor of the mammoth John Hancock Center on Chicago's Near North Side, within easy walking distance of the AMA, AHA, and Blue Cross Association headquarters. Occupying virtually the entire floor, the offices impress the visitor with bustling activity, informality, and, just before the accreditation committee meets, piles of records and correspondence in a rush of processing.

The corporate existence of JCAH as an Illinois not-for-profit corporation dates from 1951. In 1919, the year after the records-incineration episode, the American College of Surgeons began operating a hospital standardization program, six years in preparation. The original standards fit on a single page; current standards take 150 pages. Basic principles were that standards of practice would be developed and applied to hospital performance by professionals, taking into account "the unique position of each institution of its own community." The ACS operated the program on several thousand dollars a year, obtained entirely from dues. But the load grew. Finally, the ACS asked the American College of Physicians, AHA, AMA, and the Canadian Medical Association to form a joint commission. (The Canadians withdrew in 1959 and formed their own national program.)

Since 1951, JCAH has revised standards from time to time, enlarging their scope from concern mainly with hospital and medical staff organization to such other facets as environmental and fire-safety services.

The year 1965 was a watershed. With standards overdue for upgrading, JCAH found itself in a central role in Medicare legislation. The law used accreditation as a basis for hospital eligibility in the program. Simultaneously, Congress authorized an alternative entry into Medicare through application by state agencies of federally prepared standards—which the statute said could not outstrip those by JCAH. The law stimulated self-examination by JCAH and the growth of state licensure agencies, thus etablishing an alternative national benchmark to the JCAH system. By writing JCAH standards into Medicare, Congress gave the commission a regulatory function Dr. Porterfield says it never asked for. The delegation of power later was attacked in lawsuits as unconstitutional.

The year 1965 was a watershed in other respects as well. Dr. Porterfield, a former deputy surgeon general of the U.S. Public Health Service and past president of the American Public Health Association, became JCAH executive director. Also that year, an Illinois court decided in the celebrated Darling case that a hospital governing board was responsible to patients for quality of medical care. The decision, says JCAH's Mr. Jacobs, dissipated the myth that medical care was solely within the province of physicians and beyond reach of the hospital corporation. One effect of the decision was to thrust JCAH into redefining standards covering relationships between the governing board and medical staff. It had to develop a means by which the medical staff could satisfy the governing board that responsibility for checking the performance of the staff was being met.

The limelight Medicare cast on JCAH proved to be unflattering. In 1967, the Health Insurance Benefits Advisory Council, Medicare's chief advisory group, mostly comprising professional persons and some consumers, told Congress that JCAH standards were applied inadequately by individual surveyors and that some placed an undesirably low ceiling on health and safety conditions. The council called for federal standards. "In response to this criticism, JCAH introduced team surveys and reduced the maximum interval between surveys from three years to two," says Dr. Schlicke, JCAH commissioner.

Other observers believe JCAH was confronted with a survival crisis. The growth in government regulatory systems seemed to be catching up with JCAH making its existence questioned as redundant, some observers say. In 1970, two lawsuits by groups representing senior citizens attacked the Medicare-JCAH relationship. Citing 76 violations of more than 16 JCAH standards at District of Columbia General Hospital and even more at San Francisco General Hospital, the plaintiffs asserted that JCAH set "inadequate standards for patient care in hospitals which treat Medicare patients" and enforced these standards in a manner "not calculated to protect patients' rights to adequate hospital care." Accreditation permitted the hospital to continue receiving over $2 million annually from Medicare despite "overwhelming evidence" in JCAH's possession that the hospital rendered "inadequate and unsafe treatment to San Francisco's elderly citizens who are dependent upon it for medical care." Since the Medicare law rendered accredited hospitals immune to federal oversight, and since JCAH had no mechanism for public hearings, the plaintiffs said they had to sue. (The suits were mooted in 1972 when Congress changed the Medicare-JCAH relationship to permit federal oversight and promulgation, if necessary, of standards exceeding JCAH's.)

Consumerism also left a mark on the revised JCAH standards in the form of a preamble embodying a statement of patients' rights, which antedates by two years the AHA's 1973 statement of patients' rights. JCAH established a consumer advisory committee and agreed to meet regularly with a Coalition on Health Care that evolved from the committee. But it resisted demands that one third of the JCAH board be consumers, that each survey team include a consumer, that consumers have a right to appeal an accreditation decision, and that survey records be made public. After the 1969–71 period, consumer interest seems to have diminished, according to Dr. Porterfield.

In 1969, the revised JCAH standards were completed and distributed for discussion and approval. They had taken four years to develop by a research staff of four and 21 advisory panels comprising 320 experts working under a $605,000 Kellogg Foundation grant. Many professional observers believe the revisions marked a substantial upgrading. But a few believe the standards were simply a tightening of the old minimum-essential level and the inclusion of several additional areas in the interest of being comprehensive. The commission describes standards as having moved up from minimum essential to "optimum achievable," an amorphous concept under which institutions are judged accreditable if they approximate a level of performance that is within reach, though not ideal.

Some observers are skeptical about the extent of upgrading in the new standards, which were adopted in 1970. A recent unsigned commentary in the *Georgetown Law Journal* finds that they undercut the hospital's obligation, as stated in *Darling*, to ensure that physicians request consultation under certain circumstances. The 1956 JCAH standards, the article says, held the staff responsible for seeing that its members "do not fail in the matter of calling consultants as needed." The new standards declare that use of consultations and qualifications of consultants should be reviewed as a part of medical care evaluation, the article says, adding: "This weakening of the 1956 Standards is inconsistent with the statement of the (JCAH board) that the (new) Standards were designed 'to raise and strengthen the Standards from their present level of minimum essential to the level of optimum achievable.' The Commission appears to be more interested in insulating hospitals from liability than in improving the quality of medical care."

An authority on medical records administration believes the new standards are not very high. "Hospitals won't allow it," she comments. "They want the accreditation certificate for third-party insurers and other purposes. In 1970, JCAH did not raise standards so much as tighten them up at the old, inadequate level by bringing in more detail."

Such critical comments, Hospital Practice found in a score of interviews, were in the minority. Fairly typical of comments were those by an official of the 326-bed Samuel Merritt Hospital, Oakland, Calif. Dr. James A. Stark, president of the medical staff, believes the new standards help assure good patient care and give the medical staff a springboard for obtaining reforms. He adds, however, that there are physician complaints that JCAH requirements on recordkeeping go overboard by demanding more information than pertinent to some inpatient admissions. A Michigan hospital administrator commented tersely, "JCAH is getting tougher."

Some observers think JCAH has picked up speed in prodding for improved hospital performance, possibly moving a bit faster than many hospitals would like. Dr. Porterfield reports that about 20% of surveyed hospitals now receive less than the two-year accreditation, a considerably larger percentage than in the past. In the 1960's, reaccreditation of most large hospitals was virtually automatic, but that era may have ended—at least for large municipal hospitals—with the disaccreditation of Boston City Hospital in 1970. Recent statistics suggest that JCAH denies almost 1 in 4 hospitals the maximum accreditation period. In January-March 1973, the commission reviewed 965 hospitals, of which 740 received a two-year and 174 a one-year accreditation. The remaining 51 were not accredited.

Accompanying the revised standards were new procedures for implementing them. They call for the institution to complete a presurvey questionnaire to help delineate problems to be focused on by the surveyors. A self-survey by the hospital during the year in between surveys also is called for so that JCAH can check on progress in meeting promises to improve. How well the entire system works is not entirely clear as yet, since it is still on a shakedown cruise. Dr. Porterfield believes it is working out. In an AHA study in the New York area, some 14% of hospitals said professionals were not stimulated by the JCAH survey, and 8% said postsurgery feedback was not worthwhile; presumably the rest were not dissatisfied.

Several hospital consultants remarks that JCAH probably has its greatest impact on smaller institutions. At the same time that they have difficulty meeting standards, JCAH seems to make greater allowances for them in the application of surveyor judgment. The discretion allowed to the surveyor and the JCAH review hierarchy is said to "dilute" standards. The commission's position is that tailoring in implementation is necessary if a national set of standards is to apply to institutions with diverse resources. Consumer critics believe, however, that JCAH at bottom lacks an objective basis for finding a hospital accreditable; it is possible, they say, for an institution with severe deficiencies to be judged qualified. A federal official says that criticism applies both to JCAH and to Medicare assessments; in Medicare, the doctrine by which certification can be made despite deficiencies is called "substantial compliance," and it derives conceptually from the JCAH system. However, being governmental, "substantial compliance" is challengeable in the courts as permitting arbitrary and capricious certifications, according to some consumer lawyers.

The presumption on which the JCAH system rests, according to Dr. Porterfield, is that medical-hospital professionals know how to conduct the delivery of medical care expertly, have a public trust to do so, and can be trusted to discipline themselves. In the current climate of public attitudes toward the medical care "system" or health "industry," that presumption is under considerable strain. The Department of Health, Education, and Welfare now has the power to conduct validation surveys of JCAH-accredited hospitals and to write standards different from JCAH's. The development of Professional Standards Review Organizations under government auspices also indicates that there may be less than total reliance on the traditional view. Moreover, JCAH itself has opened the door to consumer inputs into what had been entirely professional deliberations on development of standards and has revised its policy on releasing accredition information concerning specific hospitals. Although the survey recommendations are confidential, JCAH now tells the public whether or not a facility is acrcedited, for how long, and the forthcoming survey dates.

Also signifying the "public accountability" climate have been advances in government licensure and certification programs. As these rise above primitive, or minimum essential levels, pressure is generated on JCAH to move ahead. Some observers suggest JCAH's evolution should be into a system that recognizes excellence by grading hospitals, while licensure or accreditation recognizes basic fitness to serve the public.

One member of Congress who has a different view of JCAH's future is Rep. John Saylor (R-Pa.), an influential member of House committees on interior and veterans' affairs. He has introduced, in the last two congresses, bills to create a 32-member Federal Commission on Accreditation of Hospitals. Three seats would go to consumers the rest mainly to physicians and other professional persons. The body would set and enforce standards, provide the public and hospital workers with an opportunity to make comments during an inspection, publish results, and make accreditations. Termination of accreditation would mean removal from the Medicare and Medicaid programs and the end of any federal financial aid, such as grants for training, construction, and demonstration services. A disaccredited federal hospital would stop operating until reformed. Mr. Saylor has also introduced bills to pull the Veterans Administration out of the JCAH system unless the JCAH furnished VA hospitals with detailed findings, not just summary reports and recommendations. He has published in *Congressional Record* the summary reports and recommendations by JCAH on a score of VA hospitals and long-term care facilities.

The Saylor bills are not considered likely to get very far, but they are indicative of a growing trend on Capitol Hill. An approach that has been relatively comfortable for physicians and hospitals has now come under challenge.

How Some "Outsiders" Assess JCAH Performance

How well does JCAH really work?

Objective studies are lacking on the impact of the Joint Commission on Accreditation of Hospitals in effecting improvement at specific hospitals. Detailed findings by surveyors—which not even the hospitals receive—are stored in a closely supervised room at JCAH's Chicago office. Not even Executive Director John D. Porterfield can emerge from the room without some staff member's comment implying the inadvisability of removing them. The nitty-gritty details of survey findings, however, are imparted orally at an end-of-survey summary conference at the hospital. Apart from the two-year, one-year, or non-accreditation judgment, the JCAH document received at the hospital contains little news, hospital officials say. Two Michigan hospital administrators assert the real value of the survey lies in the surveyor's comments, helpful tips, and on-the-spot answers to questions.

Some JCAH reports are said to encompass the "best" of two worlds by making numerous recommendations for change (thus implying many major problems) while still offering full accreditation. To some elements in the hospital field, this kind of strategy also offers the "worst" of two worlds by noting severe problems but implying, with accreditation, that they aren't intolerable.

That accreditation may not assure quality of care was a point emphasized in a lawsuit involving District of Columbia General Hospital. In 1970, the 951-bed institution was downgraded from the then maximum accreditation period of three years to one year, with notice that a second one-year accreditation would not be allowed. The 30 recommendations by JCAH called for correcting dangerous environmental conditions, establishing a chief executive with real authority to deal with the city bureaucracy, rebuilding antiquated obstetric facilities as planned, adding clinical lab personnel, and studying the adequacy of the outpatient department staff. Patients' advocates thought the hospital should have been disaccredited, thus threatening $2 million of Medicare (and Medicaid) reimbursement the city received and, presumably, forcing reform. In 1971, a patient's lawsuit contested Medicare participation based on accreditation. It cited 76 violation of 16 JCAH standards as indicated by house staff, other employees, and community members. Lost records, lack of nurses, poor lab reports, and other deficiencies "render the hospital unable to provide medical care . . . in compliance with Joint Commission standards," which, the suit said, didn't guarantee Medicare beneficiaries the protections promised in federal law.

Also in 1971, after the death of a patient who had waited six hours in the emergency room, a federal judge ordered D.C. General to meet its own requirements of having at least three licensed physicians on duty in the emergency room at all times. Hospital users alleged that only one physician, usually an intern, was on duty. Nonetheless, while under the injunction and with the Medicare suit still pending, the hospital gained a two-year accreditation.

While D.C. General, with all its problems, was receiving a two-year accreditation, another eastern hospital—with half the beds and far fewer than half the problems—was accredited similarly for two years. That two hospitals in vastly different shape can receive the safe "full" accreditation is a fact, puzzling to outsiders, of the JCAH system and makes an evaluation of that system difficult.

Officials at the eastern hospital, voluntary, nonprofit, and anonymous by request, believe JCAH was of little value to them. They found the local government's licensure review far more helpful. Placed side by side, the three-page JCAH document and the 10-page licensure document read like reports on different institutions. They reflect differing emphases. The licensure report had nothing on adequacy of medical recordkeeping, on which JCAH dwelled, finding too many incomplete physical examinations and too many belated records.

The licensure report called for delineating of surgical privileges for all physicians, for creation of an emergency treatment manual, for changing the 1:1,000 adrenalin dilution erroneously posted on an emergency cart to 1:10,000, and for establishing nurses' duties to report the sending of blood and urine for analysis and reactions to blood transfusions. The JCAH report had nothing on these points.

"There's no comparison about the depth of the reports," says a hospital executive. "JCAH sent in three surveyors for three days; the licensure crew of eight was here for three days. If it weren't for outside requirements for having accreditation, I think the

hospital could drop JCAH." A medical staff official generally concurred, though he felt JCAH had taken a big step forward by devising a practical retrospective medical care audit procedure. JCAH is advising hospitals that this or an equivalent system must be in operation by their next surveys.

In California, where JCAH and the California Medical Association are working cooperatively, it is possible for both to approve a hospital despite major deficiencies. In 1972, JCAH awarded Valley Medical Center of Fresno, a 583-bed county facility, a two-year accreditation. It recommended improvement in peer review, medical staff minutes and voting procedures, documentation of pharmacy-therapeutic committee work, medical recordkeeping, and fire protection. The medical association approved the medical staff activities after finding parallel but not identical deficiencies, including 2,500 delinquent patient records, inadequacies in review and documentation of medical credentials, and deficiencies in emergency room organization and in physicians' understanding of methods of lowering infection rates.

New York State sources provide mixed criticism of JCAH from the standpoint of one of the better licensure programs. JCAH has good marks in evaluating medical staff, with a potential considered excellent to bring further improvement because of its medical audit system. But JCAH is rated less effective than the state in evaluating nurse staffing, rehabilitation therapy, nutritional services, and physical environment (i.e., fire safety). "Too many hospitals are being tolerated by JCAH with physical environment problems," says a state official. (Other officials said JCAH's special accrediting program for psychiatric hospitals was way behind in making surveys, and the long-term care facilities' program was rated poor.) Sources in several other states said JCAH generally did better than licensure programs but had a glaring weakness in not following up to see deficiencies corrected.

Perhaps the closest thing to a nongovernmental hospital rating service on a national basis is conducted by such veterans' groups as the American Legion. The Legion sends six field representatives into Veterans Administration hospitals around the country, seeing each once in 15 months. Visits last a week and include tours of the facility, chats with employees and patients, and interviews with hospital officials. Recommendations are sent directly to the Administrator of Veterans Affairs.

Taking the Legion as a benchmark provides a limited perspective on JCAH, suggesting that it may miss significant problems. In May 1972, both the Legion and JCAH visited the 260-bed VA Hospital in Washington, D.C. The JCAH called for better, individualized nursing care plans, a nursing representative on the medical records committee, written reports and evaluations of all fire drills, authenticated signatures on medical records, and pertinent, complete nursing notes. It gave a two-year accreditation.

The Legion reported excessive delays for patients in radiology, up to six hours, because of overcrowding and inadequate staff. Among other problems, it found totally inadequate space for the pharmacy. Overall, the report concluded that veterans got "a good quality of care" but there were urgent space problems.

Two Veterans Administration observers divided on JCAH's value. One commended JCAH for giving the agency an independent appraisal based on "good" standards and implementation. He acknowledged, however, that standards represent an estimate of what the hospital field in general will tolerate and that VA is several cuts above that level. One VA hospital was justifiably disaccredited, triggering immediate concern. But the other VA official found JCAH's work superficial when compared with VA's own internal audits. "JCAH misses too much," the official said.

PRESTIGIOUS, ACCREDITED, YET IN PART A FIRETRAP

Because it takes care of the President, Supreme Court justices, members of Congress, and other dignitaries besides servicemen, the Bethesda (Md.) Naval Hospital (below) ranks as one of the most politically and professionally sensitive health care institutions in the nation.

Yet much of it is a firetrap: specifically, the hopsital's 14-story tower, which is set on a four-story pedestal.

What qualifies it as a firetrap, according to fire-safety experts consulted by HOSPITAL PRACTICE, is the fact that the tower has but a single stairwell. The Life Safety Code of the National Fire Protection Association requires at least two means of egress from patient floors. Elevators, which cannot be relied on in fires, are not legitimate egresses under the code.

The presidential quarters are in the pedestal, with plenty of escape routes, the Navy says. But there are no external fire escapes to bring down members of Congress and other dignitaries who typically are given private rooms in the tower. Some 110 of the hospital's 690 beds are above the tenth floor, which probably would be impossible to evacuate with ladders. The usual patient load on these floors is 70 to 90. Most of the patients are said to be ambulatory.

The Navy recognizes what officers privately call "the tower crisis" by having frequent fire drills and the installation of fire-safety devices. The building is all concrete and steel; it won't burn, the Navy says, and tower patients could get away from fire on lower floors by going further upstairs. However, fire-safety experts point out that noncombustible structures tend to retain smoke, the big danger to patients.

The Joint Commission on Accreditation of Hospitals noted the fire-safety hazard in its biennial survey of the hospital. Nonetheless, although it is supposed to apply the Life Safety Code, it accredited the hospital for a full two-year period.

Some independent hospital consultants believe JCAH may have violated its own rules by giving the hospital more than a provisional, one-year accreditation. A one-year accreditation would have started the flagship hospital down the road to disaccreditation. JCAH rules on severe structural fire hazards require correction within a year or installation throughout of automatic sprinklers. Replacement of the tower as a patient care facility would take five years but Congress has yet to be asked for the $100 million the Navy estimate expanding and renovating the hospital and allied facilities will cost. The tower does not have automatic sprinklers because, the Navy says, the structure is noncombustible.

Asked why the JCAH had given the two-year accreditation, JCAH Executive Director John D. Porterfield consulted a detailed survey report. He said it included a Navy memorandum implying that the hazard would be corrected within a year. However, the memo's reference to "major new hospital construction commencing a year from now" [i.e., beginning in October 1973] does not apply to removing patients from the hazardous tower, HOSPITAL PRACTICE discovered on obtaining the memorandum. The reference actually is to preparatory work.

The JCAH recommendations and comments on the naval hospital were obtained under the federal Freedom of Information Act despite Navy resistance. Other federal installations provided JCAH reports as part of this journal's attempt to learn how the JCAH process works at the grass roots.

"There is no way to remedy the problem without new construction," a Navy spokesman said. He insisted the tower was safe and as proof cited the fact that no fires had ever occurred there and that JCAH would not have offered a two-year accreditation if it thought the situation dangerous.

According to the JCAH report, "as previously recommended, attention is directed to the potential fire hazard existing in the tower floors where there are three blind corridors, with patients, and only one exit in the fourth corridor. In addition, the hospital should plan to move patients out of the lower building to areas appropriately secure from fire hazards."

The precast concrete structure was designed in 1938 by President Franklin D. Roosevelt on the back of an envelope. He dedicated the hospital when it was completed in 1942. Fire-safety experts unanimously agreed no such structure would be built today as a hospital facility.

MEMORANDUM

From: Public Works Officer
To: Administrative Officer, Naval Hospital
Subj.: Status of Fire Protection Engineering Survey

1. During discussion on 24 Oct. 1972 with Mr. C. V. Wynne of the JCAH inspection team, certain questions were raised relative to what progress has been achieved in eliminating fire protection deficiences. During the previous JCAH visit they were appraised of military construction project P-040 for correction of the deficiencies within hospital spaces at an estimated cost of $1,100,000. This project was included in the Navy's five year military construction program. Recent approval of the RTKL core study conclusions and the DOD medical facilities replacement and modernization program will result in major new hospital construction commencing approximately one year from now. The facility problems associated with NH Bethesda are certainly more than fire protection deficiencies thus the emphasis on new facilities has preempted MILCON project P-040 which was limited to fire protection deficiencies. Of course our new facilities will be designed in accordance with current code requirements thus we can optimistically look forward to a modern medical facility without fire protection hazards.

2. During the interim since the last JCAH visit progress has been made in eliminating fire hazards. Combustionable ceiling tile and partioning has been eliminated from numerous hospital spaces. A new CO_2 system has been installed in the Navy Exchange galley and a facility project has been submitted to BUMED for installation of a CO_2 system in the main galley with estimated funding in summer 1973. The new pharmacy was equipped with an automatic sprinkler system. The new air conditioning system incorporated current code requirements for smoke detection, automatic shutdown and fire dampers. Continued progress towards correcting deficiencies will be subject to availability of resources.

3. Mr. Wynne also inquired about the status of emergency power for CCU and doctors paging system. Emergency power service has been provided to the CCU in 3-B. It was determined that the doctors paging system would not be connected to the emergency power system due to the use of "Bell Boy" paging units for key personnel.

D. J. MONARCH, Jr.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 30, 1973.

Hon. JOHN W. WARNER,
Secretary of the Navy,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: As one who served for some time in the U.S. Navy and as one who has been a patient several times in the Naval Hospital in Bethesda, I was concerned by the report of the Joint Commission on Ac-

creditation of Hospitals, providing accreditation for the Hospital for two more years, which found several deficiencies.

Under "Environmental Services," I think that points 1, 3, and 4 are of particular importance, and I was amazed to learn that there are "three blind corridors with patients, and only one exit in the fourth corridor." Item 6, having to do with doors and fire separations, is of great importance, as I am sure you know, and I am wondering what steps are necessary to correct these deficiencies. Is it lack of money or a lack of planning, or a combination of both?

As you may know, I have introduced in the last Congress and in the present Congress three proposals to set up a new commission of accreditation of hospitals and reorganize this procedure. Be that as it may, I am quite concerned over the report which deals with the Bethesda Naval Hospital and would appreciate your full comments on this subject.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

P.S.—I am personally surprised at the stupidity of the accreditation group in failing to call attention to the vulnerability of the "tower" in case of fire, explosion, or other disaster.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., June 8, 1973.

The Honorable JOHN P. SAYLOR,
House of Representatives
Washington, D.C.

DEAR MR. SAYLOR: Thank you for your recent letter regarding the Naval Hospital, Bethesda, and its accreditation. I appreciate your concern in this matter. Continuing approval of the facility was given by the Joint Commission on Accreditation of Hospitals (JCAH) on the basis of an evaluation of the seriousness of the deficiencies in relation to proposed remedies for the cited problem areas.

Your concern with the environmental services portion of the report, particularly as it relates to fire safety, is well founded. This was discussed in detail with the JCAH reviewers, although not reflected in the survey document. In particular, item 4 was intended to reflect the potential danger in the tower building because the structure has only one stairwell. The Navy is presently working to expeditiously correct this as well as other cited deficiencies.

The problems existing at Bethesda are recognized, and appropriate immediate and long range solutions have been initiated.

Thank you for your continuing interest in the Navy and in the Bethesda Naval Hospital. If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

FRANK SANDERS,
Under Secretary of the Navy.

H.R. 1898

A bill to authorize the Secretary of Health, Education, and Welfare to require hospitals as a condition to participation in Federal programs to meet accreditation standards established by him

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the Secretary of Health, Education, and Welfare determines that the accreditation standards applied to a hospital by the Joint Commission on Accreditation of Hospitals do not assure the delivery of safe, effective, and economical health care in that hospital, he may (under regulations prescribed by him) require, as a condition to (1) its receipt of any grant, contract, or loan under any law administered by him, and (2) its eligibility to participate as a provider of services under title XVIII or XIX of the Social Security Act, that the hospital meet such accreditation standards as the Secretary may by regulation prescribe.

H.R. 1899

A bill to establish the Federal Commission on Accreditation of Hospitals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Commission on Accreditation of Hospitals Act".

TITLE I—ESTABLISHMENT OF COMMISSION

ESTABLISHMENT

SEC. 101. There is established a commission to be known as the Federal Commission on Accreditation of Hospitals (hereinafter in this Act referred to as the "Commission").

MEMBERSHIP

SEC. 102. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of thirty-two members as follows:

(1) The chief medical officer of the Veterans' Administration (or his designee) and a medical officer designated by the Secretary of Defense shall be ex officio members of the Commission.

(2) Nine members shall be appointed by the Comptroller General of the United States. Of the members appointed under this paragraph, six shall be appointed from persons who are experienced in the administration of hospitals and three shall be appointed from members of the general public.

(3) Twenty-one members shall be appointed by the Secretary of Health, Education, and Welfare. Of the members appointed under this paragraph, six shall be appointed from practicing physicians and fifteen shall be appointed from persons employed in any allied health profession, nurses, and engineers experienced in the construction and operation of hospitals.

A vacancy in the appointed membership of the Commission shall be filled in the manner in which the original appointment was made.

(b) TERMS.—

(1) Except as provided in paragraphs (2) and (3), the appointed members shall be appointed for terms of six years.

(2) Of the members first appointed by the Comptroller General, three shall be appointed for terms of two years and three shall be appointed for terms of four years, as designated by the Comptroller General at the time of appointment; and of the members first appointed by the Secretary, seven shall be appointed for terms of two years and seven shall be appointed for terms of four years, as designated by the Secretary at the time of appointment.

(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) PAY AND TRAVEL EXPENSES.

(1) Except as provided in paragraph (2) and subsection (e), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) QUORUM.—Seventeen members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) CHAIRMAN.—The Chairman of the Commission shall be elected by the members of the Commission from the membership of the Commission. The Chairman shall serve for a term of four years or until the expiration of his term of office as a member of the Commission, whichever occurs first. The Chairman shall serve on a full-time basis and shall be compensated at the annual rate authorized for level V of the Executive Schedule.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members, but not less often than once every three months.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 103. (a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at the rate of basic pay in effect for grade GS–18 of the General Schedule.

(b) STAFF.—Subject to such rules as may be adopted by the Commission, the Director may appoint and fix the pay of such personnel as he deems desirable.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Director and the personnel appointed under subsection (b) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

GENERAL POWERS OF COMMISSION

SEC. 104. (a) HEARINGS AND SESSIONS.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and

upon the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

TITLE II—ACCREDITATION

DEFINITIONS

SEC. 201. For purposes of this title:

(1) The term "hospital" shall have the meaning prescribed for it by section 645(c) of the Public Health Service Act (42 U.S.C. 291o), except that it shall also include outpatient facilities, rehabilitation facilities, and facilities for long-term care (as those facilities are defined, respectively, by sections 645(f), 645(g), and 645(h) of such Act).

(2) The term "accreditation standards" means standards the attainment and maintenance of which, in the judgment of the Commission, are requisite to the delivery of safe, effective, and economical health care in hospitals. Such standards shall include—

(A) requirements relating to the design, construction, and maintenance of hospital buildings;

(B) training and experience qualifications for hospital personnel, including physicians employed by a hospital or permitted to use its facilities, nurses, food service employees, and employees engaged in the allied health professions;

(C) requirements for provision, at a reduced rate or without cost, of services to persons unable to pay therefore; and

(D) requirements respecting the organization and delivery of health care in hospitals.

ACCREDITATION STANDARDS

SEC. 202. (a)(1) The Commission shall by regulation establish (A) accreditation standards for hospitals, and (B) procedures (i) to determine if a hospital is in compliance with such standards, (ii) for accreditation of those hospitals determined to be in compliance with such standards, and (iii) for termination of accreditation of a hospital found to be in noncompliance with such standards.

(2) Procedures established under clauses (B) (i) and (ii) of paragraph (1) shall—

(A) prescribe the effective period of an accreditation;

(B) prescribe the minimum number of inspections or surveys required for accreditation;

(C) permit a reasonable opportunity for the submission of comments, during an inspection or survey, by the employees of the hospital being inspected or surveyed and by other persons in the community served by the hospital who are interested in the delivery of health care in the hospital;

(D) require the assessment and collection of such fees as may be necessary to reimburse the United States for the costs of inspections and surveys under this title; and

(E) provide for the publication and distribution of the accreditation determinations of the Commission and the basis for such determinations, including the results of surveys and investigations.

(3) Procedures established under clause (B) (iii) of paragraph (1) shall require the Commission to give written notice of noncompliance when it finds a hospital to be in noncompliance with the Commission's accreditation standards. The notice—

(A) shall be served on the persons responsible for the operation of the hospital (as determined by the Commission) and on the State health agency which has jurisdiction over the hospital, and

(B) shall be designed to fully inform the persons receiving it of the basis for the Commission's determination of noncompliance, shall specify the corrective action that must be taken to bring the hospital into compliance with the accreditation standards, and shall provide a ninety-day period, beginning on the date the notice is served, for bringing the hospital into compliance with the accreditation standards.

(b) The Commission shall conduct survey and accreditation programs which will encourage members of the health professions and hospitals voluntarily to—

(1) promote high quality of care in all aspects in order to give patients the optimum benefits that medical science has to offer;

(2) apply certain basic principles of physical plant safety and maintenance, and of organization and administration of function for efficient care of the patient; and

(3) maintain the essential services in the facilities through coordinated effort of the organized staffs and the governing bodies of the facilities.

(c) No member or employee of the Commission who was employed by, or permitted to practice in, a hospital during the five-year period preceding an inspection or survey of it conducted under this title may participate in the inspection or survey or in any determination of the Commission made on the basis of such inspection or survey.

ENFORCEMENT

SEC. 203. If the Commission determines that a hospital for which a notice of noncompliance has been served in accordance with regulations made under section 202 (a)(3) is not, after the expiration of the ninety-day period specified in the notice, in compliance with the accreditation standards in effect under this title and—

(1) if the determination is made with respect to a Federal hospital, the head of the department or agency of the United States which operates the hospital shall terminate its operation until such time as the Commission accredits the hospital; or

(2) if the determination is made with respect to any other public or private hospital, no Federal financial assistance may be paid to or on the behalf of the hospital, and the hospital shall not be eligible to participate as a provider of services under title XVIII or XIX of the Social Security Act, until such time as the Commission accredits the hospital.

For purposes of paragraph (2) of this section, the term "Federal financial assistance" includes payments under grants and loans under the Public Health Service Act.

H.R. 1909

A bill to amend title 38 of the United States Code to prohibit payment of hospital inspection fees by the Administrator of Veterans' Affairs to the Joint Commission on the Accreditation of Hospitals until certain information regarding such inspections is received by the Administrator

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5001 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Administrator may not pay to Joint Commission on the accreditation of Hospitals any fee or other charge for any inspection by the joint commission of any Veterans' Administration hospital or domiciliary until after the Administrator receives from the joint commission a copy of the surveyors report and such other information regarding the inspection as the Administrator may require.".

SAN CARLOS MINERAL STRIP

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the San Carlos mineral strip bill, H.R. 7730, has been strongly opposed by the major environmental organization of this country. The concept of paying money from the taxpayers' pockets to reimburse 32 Arizona ranchers for Federal grazing permits, they have correctly said, would violate longstanding national policy and could create a new Federal liability amounting to an estimated $362 million.

In case the seriousness of this matter is in doubt, let me remind my colleagues that legislation is already pending in both Houses of Congress that would require the Federal Government to pay the permittees for any grazing permits that are canceled. H.R. 7730 is only the nose of the camel. After the camel puts its nose into the tent, the whole camel is sure to follow; that is, the next step would clearly be to extend the principle of the San Carlos bill to all the public lands, as is contempated in this other legislation to which I have referred.

The Salt Lake City Tribune, a respected voice in the heart of cattle country, has editorialized against the concept of H.R. 7730, pointing out that if it is applied to other public lands it would deny Federal land-management officials the flexibility that is needed in good resource management.

I am hopeful that a new version of the San Carlos bill can be worked out; that it will not open this long-settle issue all over again. Fairness to the grazing permittees in the San Carlos mineral strip need not entail an attack on our fundamental public land policies.

With respect to the issues mentioned here, I am appending to my remarks the editorial from the Tribune, a letter from the national conservation organizations, and a letter from Friends of the Earth:

[From the Salt Lake Tribune, Oct. 4, 1973]

COMPENSATION FOR LOST GRAZING
BAD PRECEDENT AND WRONG

While the $362.5 million figure that Friends of the Earth see as the ultimate cost to American taxpayers if the Congress enacts the San Carlos Mineral Strip bill might be something off the top of someone's head, the conservation group's opposition to the bill is proper.

There is something very wrong with compensating any lessee simply because the lessor chooses not to renew the lease. At least, it is wrong if the man occupying any premises is given adequate notice that his lease is going to be cancelled.

The bill would authorize payment of $2.5 million to a group of Arizona ranchers because their cattle have been pushed off land that has been returned to the San Carlos Apache Indians. Formerly the ranchers used the land for grazing.

The point made by Friends of the Earth legislative director George Alderson that, "The bill would set an unacceptable precedent and enthrone livestock grazing as the dominant use of all public lands being used under permit," is well taken.

Federal land and resources managers, knowing that they would likely be required to compensate cattle and sheep men, would likely be very reluctant, even for some very sound ecological reasons, to cancel or substantially change a grazing permit. They would thus be denied a necessary flexibility that is inherently part of a good resource management plan.

This is not to argue against reasonable notification if for good conservation management reasons a grazing permit must be withdrawn or altered. Such notification is

only fair to the rancher. He must have sufficient time to arrange for additional grazing, negotiate other grazing permits or change his methods of operations.

But to pay a rancher because his grazing permit has been withdrawn would be the equivalent of paying him for the loss of property he never owned. The land under consideration in the San Carlos Mineral Strip has never belonged to those Arizona ranchers They have only been given federal permission to use, a privilege they had to pay for.

Nevertheless, the title for that land, regardless of how many years the land has been used by the ranchers, has never been conveyed to the ranchers. The land remains public land.

Those ranchers have suffered no less because the land has been turned back to the Apaches. The ranchers have received everything they have paid for—the right to graze the land. And in all probability, at prices far below what they would have had to pay if they had been leasing private land of comparable quality.

The mere fact that they probably enjoyed some pretty cheap grazing for many years more than compensates them for any imagined loss they might have incurred by withdrawal of their grazing permits.

WASHINGTON, D.C.,
September 26, 1973.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: This is in response to your letter of September 24, requesting our views on the San Carlos Mineral Strip bill, H.R. 7730.

The San Carlos bill would direct the Department of the Interior to pay livestock owners for the termination of their grazing permits on some 200,000 acres of formerly Federal land in the "San Carlos Mineral Strip" in Arizona. The land in question was returned to the San Carlos Apache Indian Tribe in 1969, and the Tribe gave notice to the ranchers three years ago that their grazing privileges would be cancelled. The Tribe later granted extensions to allow grazing to continue until June, 1973.

Under long-standing Federal policy, grazing permits confer no vested rights that are compensable by the Government, but only a privilege which can be revoked without compensation. The Taylor Grazing Act (43 U.S.C. 315b) explicitly states:

"The issuance of a permit pursuant to the provisions of this Act shall not create any right, title, interest or estate in or to the lands."

(The only exception to this principle was enacted by the Congress in 1942, covering only the cancellation of grazing privileges for war or national defense purposes.)

In our view, it is absolutely essential to maintain this policy, because it insures that our public lands will not become a captive of the livestock industry. These lands must serve many public purposes besides grazing, including recreation, water and wildlife. If livestock owners secure a vested right in grazing permits, the other public uses will be relegated to a subservient status.

The ranchers holding Federal grazing permits in the San Carlos Mineral Strip were just as aware as thousands of other permittees on the national forests and public domain lands their grazing privileges could be revoked at any time without compensation. In addition, they had three years' notice of the planned cancellation. While holding these permits, the ranchers also enjoyed the advantage of grazing at fees far below what they would have had to pay on equivalent private grazing lands.

By directing the Interior Department to pay the San Carlos Strip permittees for their cancelled permits, H.R. 7730 would establish a precedent completely at odds with many years' Federal policy. This bill would constitute a Congressional recognition of a compensable property right in Federal grazing permits. This could establish a Federal liability in grazing permits all over the country amounting to hundreds of millions of dollars. Whenever a grazing permit were cancelled by the Department of Interior or Agriculture, either to convert the land to a higher public use or to let it recover from overgrazing, the permittee would have to be paid with the taxpayers' money.

Although H.R. 7730 contains language disclaiming that it constitutes a precedent, we believe that its true significance is indeed to abrogate the policy that has thus far protected our public range lands from being monopolized by the livestock industry. The basic circumstances of the grazing permits in the San Carlos Mineral Strip are the same as those in countless grazing areas throughout the National Forest System and the public domain lands.

We note that H.R. 7730 is opposed by both the Department of the Interior and the Department of Agriculture.

The undersigned organizations recommend that the principle of the grazing permit as a non-compensable privilege be upheld. Unless the bill is amended to remove the provisions authorizing compensation for cancelled permits, we would strongly oppose H.R. 7730.

Sincerely,

William E. Towell, Executive Vice-President, American Forestry Association; Jane Risk, Director, Washington Office, Animal Protection Institute; Stephen Seater, Staff Biologist, Defenders of Wildlife; James Conroy, Legislative Coordinator, Environmental Action; Douglas W. Scott, Northwest Representative, Federation of Western Outdoor Clubs; George Alderson, Legislative Director, Friends of the Earth; Lewis Regenstein, Executive Vice-President, Fund for Animals; Cynthia Wilson, Washington Representative, National Audubon Society; Brock Evans, Washington Representative, Sierra Club; Carl R. Sullivan, Executive Secretary, Sport Fishing Institute; and Stewart Brandborg, Executive Director, the Wilderness Society.

FRIENDS OF THE EARTH,
Washington, D.C., September 28, 1973.

DEAR CONGRESSMAN: Environmentalists strongly oppose the San Carlos Mineral Strip bill (H.R. 7730), which may come to the House floor next Thursday, October 4. This bill is opposed not only by Friends of the Earth, but by the following national organizations:

National Audubon Society, National Wildlife Federation, Sierra Club, Sport Fishing Institute, Wildlife Management Institute, and The Wilderness Society.

The San Carlos bill would set a precedent for recognizing a vested right in the grazing permits which many ranchers hold, allowing them to pasture livestock on federal lands. Under long-standing national policy, established by the Congress, such permits are not a right, but a privilege, and the permittees cannot demand to be compensated by the federal government if their permits are cancelled to convert the land to a higher public use. The thousands of permittees throughout our national forests, national grasslands and public domain lands know that they will not be compensated if their permits are cancelled.

This well-established policy would be abrogated by H.R. 7730. The policy of the San Carlos bill, if applied to all public-land grazing permits, would result in a new federal liability of hundreds of millions of dollars. It would also enthrone livestock grazing as the dominant use of all pubic lands now under permit, because it would give livestock owners a vested right that is enjoyed by no other users of the public lands.

Under the policy established by H.R. 7730, if grazing needed to be curtailed for public purposes—such as to protect watershed or wildlife values, to establish a recreation area or national park, or simply to let the land recover from past overgrazing—the government would have to pay off the permittees with the taxpayers' money.

Even though the bill disclaims being a precedent, it will certainly be used as one by ranchers seeking compensation through the Courts and the Congress. This bill unnecessarily re-opens an issue that was settled long ago.

We would not oppose this bill if it were restricted to acquisition of the ranchers' base property (land owned in fee) within the San Carlos Mineral Strip. But compensation for public-land grazing permits is a policy that we believe the Congress should firmly reject.

Sincerely,

GEORGE ALDERSON,
Legislative Director.

THE END OF AN ERA—AFTER 231 YEARS

Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the year 1737, an ironmaker named Peter Grubb obtained a warrant for a 142-acre tract of land in Pennsylvania in what is now Lebanon County, in order to develop the "rich and abundant" iron ore that was to make the Cornwall mine of Big Hill, Middle Hill, and Grassy Hill, famous throughout prerevolutionary America, and indeed, right up through today. Iron ore mining began in the year 1742, and continued with only short interruptions, until Hurricane Agnes boiled through the area last year.

In its 231 years of production, the mine gave us over 110 million tons of iron ore in addition to copper, cobalt, gold, silver, and sulfur. For years, the Cornwall was this country's only source of cobalt east of the Mississippi River.

After more than two centuries of operations, the Cornwall mine is being phased out of existence by the Bethlehem Steel Corp. which took title to the mine in 1921. The deep pits were filled with water after the hurricane of 1972 and the surface operations have ground to a halt in 1973. In the nature of all things dealing with free enterprise and the interplay of natural economic laws, th Cornwall mine ceases to operate at the crossing of the imaginary lines on the imaginary chart showing projected profitability and/or marginal utility.

Bethlehem Steel Corp. has not indicated it would return the surfaced-mined area of the operation to its original contour, but I am confident the corporation will make an extra special, public-spirited effort to preserve the area as an attractive and suitable historic site. Such preservation would be natural considering the importance of the Cornwall mine in the pageant of American industrial prowess.

A brief history of the mining at Cornwall appeared in the recent issue of Bethlehem Review, and knowing of the

interest of all our colleagues in the subject of mining, and their corollary interest in matters relating to our Government's forthcoming 200th birthday. I have appended the article to my remarks for their perusal:

MINED SINCE 1742: HISTORIC ERA ENDING AT CORNWALL

Bumper crops of corn and wheat did not make the gently rolling, fertile farmland around Big Hill, Middle Hill, and Grassy Hill, in Lebanon County, Pa., famous. An abundance of iron ore did. Farmers were not destined to work those hills and surrounding countryside. Ironmasters and hardrock miners were. And they have—for almost 250 years.

Next month, one of the most fascinating—and certainly the longest—chapters in American iron mining history will draw to a close. The mine that has been producing iron ore since before the Revolutionary War, which turned out cannons and cannon balls for George Washington's army, will give up its last iron ore.

In 1737, when Peter Grubb obtained a warrant for a 142.5-acre tract of land—part of King Charles of England's original landgrant to William Penn—the parcel included the three now famous hills. It was known, because of outcroppings, that the land included "rich and abundant" iron ore. Just how rich and how abundant Grubb could never have imagined. Grubb eventually acquired 450 surrounding acres.

Though others may have been aware of the iron deposit that lay beneath, Grubb certainly was the first to recognize the ore's worth. At least two previous owners of the land were ironmasters in the young colony of Pennsylvania, but they did not bother to mine any of the ore.

Mining began at Cornwall in 1742. Grubb had, by that time, completed his Cornwall charcoal furnace. In the years that followed, charcoal furnaces literally dotted the surrounding countryside.

Ore production, by pick and shovel, mounted. Several men digging and others pushing wheelbarrows easily kept a single furnace supplied. The ore was easy to remove, for it lay close to the surface.

Demand for the ore remained so steady that for almost a hundred years no major change was made in the mining system—no changes beyond the substitution of mule or horsepower for manpower to wheel the ore from mine to furnace. In its first hundred years, Cornwall produced about three-quarters of a million tons of iron ore.

By the 1900's (over 150 years into its operation), the deposit's output had totaled 15 million tons. But the surface barely had been scratched. Actually, the mine was to produce more in its last 30 years of operation than in the first 200.

Toward the end of the 1800's holdings in the mine property—by then held in the name of the Cornwall Ore Banks Company—began to pass into the hands of the Pennsylvania Steel Company. Through acquisition of the Pennsylvania Steel Company, title to the historic ore banks passed into Bethlehem Steel's hands in 1921.

In the second half of the 19th century, the horse-drawn wagons gave way to a steam locomotive and a railroad. By that time, the pit at Big Hill was 250 feet below ground level and the narrow-gage train spiralled its way to the surface on 2½ miles of track. Steam-powered drills replaced manpowered picks and steam shovels replaced manpowered shovels.

Just before Bethlehem took over ownership of the mine, an inclined skip hoist (at a 45° angle) replaced the railroad to move ore to the screening and crushing plant.

There was only one lengthy break in surface mining at Cornwall in its 231-year history. That came in 1953, when geologists and miners thought the economic limits of such mining had been reached. But new techniques and new equipment—primarily a concentrator located at the mine site—gave new life to the pit. Resumed in the early 1960's, surface mining continued until this year.

Though two very shallow shafts had been driven into the ore body below the level of the open pit in the early 1900's, it wasn't until 1921 that the first permanent underground mine—later known as No. 3 mine—was developed. A second and deeper ore body was discovered at about the same time.

Two parallel inclined shafts were sunk in 1927 into a new ore body discovered in the mid-20's. Soon thereafter came the big depression and in 1931 underground operations were stopped. But as steel industry activity picked up in the mid-30's, dewatering of the mine began; deep mining was resumed in 1937.

But work underground in No. 3 mine stopped again in 1940, so as not to disturb the open pit mining operation. But No. 4 mine—more than a mile from the pit—continued to be mined. World War II was looming and ore production became the name of the game.

In 1940 Cornwall turned out a little more than 350,000 tons of ore. Annual production jumped to over a million tons during the war years and on into the 1960's, when output began to taper off. Bethlehem people knew by then that the ore body was nearing depletion and, as early as the mid-1960's, plans were made for the gradual close down of the operation. Shutdown was projected for the early 1970's.

But the planners did not know Hurricane Agnes was due in June, 1972. By the time the torrential rains and flooding stopped, so had deep mining at Cornwall. The underground workings were completely filled with water. Bethlehem simply sealed off the underground openings, but surface mining continued for another year.

Cornwall's iron ore was never as rich as Peter Grubb thought; it ran slightly over 40% iron. But it certainly was as "abundant." The 110 million tons or so of iron ore that Cornwall banks yielded in their 231 years was by no means all the mineral wealth that came from Big, Middle, and Grassy Hills. Copper, cobalt, gold, silver, and sulfur have been separated from the raw ore since Bethlehem took over the property. Cornwall has been this country's only source of cobalt east of the Mississippi River.

Actually, nearly 100 different minerals have been found at Cornwall. And because of its mineral riches, Cornwall has been a mecca for "rock hounds"—rock collectors.

When Hurricane Agnes struck last June, about 650 people were working at Cornwall—in the surface and underground mines and in the concentrator. As the phase-out has progressed, about half of them have been transferred to other Bethlehem operations. Another 200 or so, long aware of the approaching end of mining, have retired on company-paid pensions. Only a handful of people—those with less than two years of service—are currently unplaced, and another couple hundred hold deferred rights to Bethlehem pensions.

CHROME AND OUR NATIONAL INTERESTS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, legislation has been introduced in Congress to repeal the Byrd amendment to the Strategic and Critical Materials Stockpile Act. This amendment made it possible for the United States to import Rhodesian chromium despite mandatory economic sanctions voted by the United Nations.

Chrome is an essential raw material and is widely utilized in the food, pharmaceutical, chemical, aerospace, atomic energy, and even dairy industries. One of its single most important uses is in the manufacture of stainless steel. Today, more than 40 percent of all stainless steel is earmarked for the production of pollution control equipment.

The United States is totally dependent on foreign supplies of chromium. The largest high grade reserves of this strategic material in the free world are found in Rhodesia. While the United States has measurably increased importation of Turkish and South African chromium, we must, nevertheless, still import 28 percent of our total chromium supply from the Soviet Union. This is a dangerous situation for the United States since Soviet production has been and always will be linked to overriding political considerations.

In view of the current Middle East war and traditional Soviet capriciousness in the foreign policy arena, we cannot permit this Nation to become dependent on Communist-dominated nations for vital raw materials. Détente, if it ever really existed, could conceivably evaporate overnight, leaving the United States hostage to the Soviet Union for continuation of its chromium supplies.

We must also look at what has happened to world chrome prices since the United Nations sanctions were first imposed. Prior to the enactment of sanctions against Rhodesia, American firms were buying chrome for $26.66 per long ton. With the prohibition against the importation of chrome from Rhodesia, the price shot up to $56.39 for Russian ore. As a consequence of the Byrd amendment, the price has stabilized again with Rhodesian ore selling for $38.79 per long ton and Russian ore going for $37.59 to $39.62. Thus, repeal of the Byrd amendment, which will eliminate Rhodesian competition on the world market, will result in a "captive" sellers market where the Soviet Union can extract virtual ransom from the United States for chrome imports.

Increased chrome prices, furthermore, can only result in higher consumer prices in this country, feeding our already spiraling inflation.

In short, the issue is not one of minority rule in Southern Rhodesia, but instead a matter of satisfying U.S. chromium needs. I am concerned only that the United States have an adequate supply of chrome of a competitive grade at a competitive price. If American manufacturers are compelled to abandon importation of Rhodesian chromium, which is less expensive and of a higher grade than alternative sources, then we will be at a decided economic disadvantage in face of stiff competition from nations like Japan, West Germany, and Italy which presumably will continue to purchase Rhodesian chrome. They will be able to produce consumer products and other equipment at a much lower price, undermining the competitive position of many U.S. corporations.

Finally, the United States has no more

business interfering in Rhodesia's internal policies, however distasteful those policies might be to some of our citizens, than we did in involving ourselves in Vietnamese politics.

With this preface, I would like to share with my colleagues certain portions or excerpts from the statement of Mr. Martin N. Ornitz, president of the Stainless Steel Division of the Crucible Materials Group, Colt Industries, Inc., before the African Affairs Subcommittee of the Senate Foreign Relations Committee:

STATEMENT OF MARTIN N. ORNITZ

Mr. Chairman and members of the Subcommittee. I am president of the Stainless Steel Division of the Crucible Materials Group of Colt Industries Inc. The specialty steel industries—stainless, alloy and tool steels—are the major consumers of chromium in the United States and overseas.

I thank you for the opportunity to submit this statement to your Committee. I want to take advantage of the opportunity by bringing two points to your attention.

One is the economic consequence for the American citizen of shutting off the United States from access to any source of metallurgical chrome, at a time when worldwide demand for chrome is rising and America must compete for it with a host of other countries.

The second point is that the Committee's consideration of chrome opens the way for you to help find a solution for the problem of the raw materials shortage that besets the United States. Instead of adding to the shortage, as the pending bill would, I urge that you begin the positive search for means to assure the continuing availability of raw materials, particularly chrome. I do not intend to address political aspects of the legislation, about which the Committee is in a position to know more than I, but it is obvious that the narrow and negative approach of the pending legislation will not long—if ever—help the people of Africa in whose interest the legislation was drafted. For Africa is not going to benefit from a "have-not" United States. Africa deserves better than that. The United States deserves better than that.

Regarding the economics, the legislation before you creates a serious immediate problem for the American public. If the legislation is enacted in present form, it will reduce the amount of chromium ore, i.e., chromite, and ferrochrome—a steel-making alloy made from metallurgical chromite—available to the United States. All usable chromite is mined overseas. This reduction of chrome will threaten the stainless steel industry with reduction in output. As a matter of law as well as a matter of consumer preference, stainless is used in many applications that are critical to our way of life and the public health. The dairy industry, for example, uses much stainless steel in the interest of public health, from the milking of the cow, to vats used in cheesemaking, to tank trucks that haul milk to the dairy and the dairy equipment itself. Stainless is employed in the making of tractors and a variety of other agricultural machines. Our country needs and the world needs the American farm. Perhaps the relationship between the farm and chrome was overlooked in the advocacy of this legislation.

Furthermore, stainless is one of the specialty metals essential to national defense. It is important in the reduction of air pollution. There are many other uses, which I list later in this statement, including the manufacture of automobiles, airplanes, and railway equipment. I know that the legislation is not aimed by intent at dairymen, at the environmentalists or at national defense or American transportation.

But they are the "innocent bystander" targets of the legislation. It takes chrome to make stainless. There is no escape from that reality.

In summary, the situation is:

The production and consumption of stainless steel and other chrome-bearing specialty steel has increased substantially since 1970 in the United States. Each individual type of market for stainless in the U.S. (except aircraft) has increased since 1970. It has gone from a total domestic consumption of 802,000 metric tons in 1970 to 941,000 metric tons in 1972. The consumption for 1973 first six months is 29 percent greater than in first six months of 1972.

The worldwide demand for the same steels and their production also has increased substantially since 1972. The market for stainless produced in all countries increased by 15 percent from 1971 to 1972, and is further increasing in 1973.

The result is rising demand and worldwide competition for available chromite and ferrochrome from sources outside the United States. Hope for a domestic ore is dashed by the fact that ore identified in Montana is not economically practical in filling ferrochromium requirements. Ferrochrome production in the United States is down due to the problem of chromite availability, cost of compliance with environmental laws, and change in requirements for the type of ferrochrome used resulting from changes in melting techniques.

The change in type of ferrochrome needed results from increasing usage of the new AOD process to make stainless steel. This process greatly increases usage of charge chrome and reduces use of the more expensive low carbon ferrochrome. Crucible believes that the AOD process is a key element in keeping us competitive against foreign made stainless steel. In addition to lowering costs, the process also provides higher quality stainless. Crucible has put in operation a 100-ton AOD unit, which is the largest operating vessel in the world. My company bought practically all of its ferrochrome in the United States until it became almost impossible to do so. The United States is competing with many countries for the available ferrochrome—Japan, Great Britain, France, Sweden, Austria, Belgium, West Germany, Italy, Soviet Union, Peoples Republic of China, Spain, Brazil, Canada, Australia, Mexico, and Norway. Cost as well as availability is a fundamental consideration. If it happens that the only way the United States can obtain chrome is to pay a premium price, the national struggle against inflation is set back.

The specialty steel industry in the United States must have assurance of adequate supplies of ferrochrome. Given the worldwide demand situation, no country can afford the elimination of Rhodesia as a source of chromite for making ferrochrome unless Rhodesia is replaced by assured access to a substitute source. Geologists have not found new supplies in the earth that are being worked. Chromite is mined in several countries, but that fact can be misleading.

For example, it has been pointed out that the Philippines are a source of chromite. That means nothing to the stainless industry in the United States. The Philippine metallurgical chromite desirable for steel-production goes to Japan. The Philippine exports to the United States consist of ore for the refractories industry and is not suitable for steel-making purposes. Philippine chromite production increased from 1968 through 1971 (Metal Statistics 1973, a publication of Fairchild Publications, Inc.), along with increases in the production of South Africa, Turkey, U.S.S.R., Albania, India, Iran, Greece, and Rhodesia. As with the Philippines, not all those sources are available to the United States, because of established commercial relationships, long-term contracting, etc. And not all chromite mined goes into international trade; the U.S.S.R., a major steelmaker, consumes part of its own chromite production.

The world increase in chromite production 1968–71 was 27 percent. The world increase in stainless production 1968–1972 was 24 percent—nearly parallel. At present the ferrochrome supply is so tight that American producers of stainless are on allocation—rationed. Production of stainless cannot be sustained at required levels if one source of chrome is removed without another source of comparable quality and quantity being provided.

An additional problem of sourcing is that not all furnaces used in making ferrochrome can convert all types of ore. Some of the furnaces in South Africa can convert only Rhodesian ore. The character and quality of ores vary. Poor quality ores are included in the statistics of world production, but are not commercially suitable for use.

The report of the National Materials Advisory Board adds these words about quality: "Of the Free World's supply of high-grade ore, 70 percent of the reserves in this quality are found in Rhodesia."

This report is available from the Clearinghouse of Federal Scientific and Technical Information, Springfield, Virginia, 22151 and it contains many facts which clarify the importance of chrome to the future of our country.

Bearing further on the problem of cost and inflation, I would like to comment on recent correspondence between me and members of Congress, some of which was printed in the Congressional Record—Senate, July 16, 1973.

1. World deposits of chromium ore. As stated above it is true that there are deposits of chromium ores in countries other than Russia, Rhodesia, Turkey and South Africa. It is true that there are chromium ore bodies in the United States. I respectfully submit, however, that we must look at this on a practical basis. Ores from many sources cannot be ecomonically or practically used.

2. When I say there is no effective substitute for chromium, I mean no practical substitute. We could, of course, substitute titanium for stainless steel in many applications—or gold or silver for that matter. But not on a practical cost basis.

It has been stated that Turkey might mine more chrome ore "if the United States, Japanese and European consumers were willing to assist them". But why should the Japanese and Europeans subsidize Turkish mines if they are to share the output with their American competitor?

It has been stated that the price of chrome has gone up, not just because of the embargo on Rhodesia but for other world economic reasons. Naturally, laws of supply and demand still govern. But a U.S. buyer of chrome ore cites the following prices he paid, F.O.B. shipping point:

Russian ore—1966 (before sanctions), $26.24 per ton.

Russian ore—1971 (after embargo), $55.50 per ton.

Russian ore—1972 (after Byrd amendment), $45.72 to $47.25 per ton.

Rhodesian ore—1972, $39.50 per ton.

Gentlemen, the specialty steel industry in this country is having a hard enough time staying afloat, what with imports, high expenditures to comply with new laws governing pollution of air and water, rising costs of energy—without having to pay more for chromium than other nations with whom we compete, many of which also signed the U.N. agreement on Rhodesian.

The British Foreign Secretary told Parliament a year ago, "A lot of Rhodesian exports are going to countries which are members of the United Nations and which are supposed to be supporting sanctions."

This hearing is taking place at a time

when the problem of supply of chrome is far more critical than it was when the embargo on Rhodesian chrome imports went into effect and in 1971 when the embargo was removed.

The U.S. Bureau of Mines' Mineral Industry Surveys report of August 7, 1973, on "Chromium in May, 1973," shows that consumption of chromite by the metallurgical industry increased by 46 percent in the first quarter of 1973 compared with the first quarter of 1972.

The comparative figures are 150,788 short tons in January-March 1972; 221,547 short tons in January-March 1973.

The chrome steels made in the United States are shipped to every State. They are indispensable to farming, to transportation, and to the safeguarding of health.

Alloy steels are used in the manufacture of farm equipment, trucks, buses, earthmoving equipment, mining machinery, oil country goods, hand tools, machine tools, power generation equipment, aircraft and space vehicles.

Stainless steels are used in dairy, hospital and restaurant equipment, food processing, oil refineries, power plants, home appliances, automobiles, airplanes, chemical plants, paper mills, and many other vital industries.

Tool steels are used to machine or form the alloy steels, stainless steels and all other materials of construction such as aluminum, copper, plastics and the like.

The catalytic converter which is scheduled to be included in the exhaust system of some 1975 model cars and all 1976 model cars will use approximately 30 to 60 pounds per car of steel containing about 12% chromium. We have been advised by the automotive industry that the requirements for the 1975 model will be around 150,000 to 175,000 tons of this stainless steel. For the 1976 model year this demand can be up to 250,000 tons of 12% chromium stainless steel which would mean the consumption of up to 50,000 tons of ferrochrome per year. An estimate of 20,000 tons made for the Carnegie Endowment for International Peace does not fit the requirement.

The foregoing examples of use of stainless in American society make it obvious that the Congress would be recklessly disruptive if it diminished the ability of the United States to produce stainless in required quantities. Jobs are at stake. The specialty steel industry is an important employer of skilled workers. Investments are at stake, on the farm and in stainless-using industries.

To cut down the availability of chrome would make it impossible for the United States to halt its decline in the share of the world production of metals. The Second Annual Report of the Secretary of the Onterior Under the Mining and Minerals Act of 1970, dated June, 1973, points out that the U.S., which produced 47 percent of steel in 1950, now produces 19 percent. The report notes the problem of the U.S. in obtaining raw materials abroad:

The American "relative role as a world consumer of mineral raw materials . . . has shrunk.

"Consequently, the United States is encountering steadily increasing competition in the acquisition of non-domestic mineral raw materials as other industrialized countries also seek reliable sources of reasonably-priced mineral raw materials."

The report contains a chart showing that all of the chromium used in the U.S. comes from foreign sources. For those sources we are in competition with all the countries producing stainless and alloy and tool steels.

Mr. Chairman, S. 1868 will intensify the problem noted in the report of the Secretary of the Interior. The majority population in Rhodesia cannot benefit from a weakened America. The sacrifice which the enactment of S. 1868 would require of America will only benefit our country's industrial competitors abroad. If our stainless production goes down from lack of chrome, foreign production can continue to rise. Chrome is to stainless what feedgrains are to livestock and poultry. The feedgrain requirement is rising. The chrome requirement is rising. Stainless needs chrome as a hog needs corn.

As long as no replacement source is clearly availabe to the United States for Rhodesian chrome and for ferrochrome made from Rhodesian chromite, I urge the Committee to reconsider its interest in the pending bill.

I am not urging any particular source of supply of chrome ore or ferrochome. The point is that the sources must be adequate to meet the need, and they must be continuingly available as the need grows.

Distinguished men have said that an embargo on chrome from Rhodesia could be offset by use of the chrome in the American stockpile. But that stockpile is not accessible in adequate quantity. Legislation is required to release from the stockpile sufficient quantities to satisfy the increasing requirements. Enactment of a law cutting off Rhodesian chrome without concurrent existence of a law releasing chrome in large quantities from the stockpile would result in shortages that are bound to harm the interest of the many Americans who rely on stainless steel in their daily life and work. The stockpile promises only short-term relief, since its stock of metalurgically useful ore and of ferrochrome is limited. Resort to the stockpile could intensify the problem of the United States when the stockpile is exhausted. Lines of trade from ore-producing and ferrochrome-producing countries to stainless-producing countries can become so fixed for fulfillment of needs of other countries that it will be difficult for the United States to find sources after the stockpile days.

So the stockpile solution is a solution that leads in time to the aggravation of the American raw materials problem.

But if the Committee is morally determined that it will prohibit American access to Rhodesian chrome, it would be shortsighted to do so before Congress legislates full access to the stockpile.

The law removing the embargo which the Congress passed in 1971 is not resigned to benefit the Government of Rhodesia but to lend economic support to the United States in the era of the race for raw materials which the Secretary of the Interior incisively describes. We need materials. Don't shut the door on Rhodesia until you have opened another one of equal utility.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TALCOTT (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD), for October 18 through October 19, on account of official business.

Mr. MARTIN of North Carolina (at the request of Mr. GERALD R. FORD), for October 23 through October 31, on account of official business.

Mr. BURGENER, for October 23, 24, and 25, on account of assignment as United States representative at the dedication of United States-Venezuela Cultural Center in Maracaibo, Venezuela.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RONCALLO of New York) and to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. ROSE) and to revise and extend their remarks and include extraneous matter:)

Mr. FRASER, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. NIX, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. WAGGONNER, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAYLOR and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,201.75.

Mr. HOLIFIELD, and to include extraneous material.

(The following Members (at the request of Mr. RONCALLO of New York) and to revise and extend their remarks:)

Mr. MITCHELL of New York in two instances.

Mr. YOUNG of Alaska in two instances.

Mr. ARCHER.

Mr. WYMAN in two instances.

Mr. EDWARDS of Alabama.

Mr. HUBER.

Mr. PRICE of Texas.

Mr. DERWINSKI.

Mr. MCCLOSKEY.

Mr. ASHBROOK in four instances.

Mr. GILMAN.

Mr. MCEWEN.

Mrs. HOLT.

Mr. CLEVELAND.

Mr. GUBSER.

Mr. BROYHILL of Virginia.

Mr. NELSEN.

Mr. HANRAHAN.

Mr. RHODES.

(The following Members (at the request of Mr. ROSE) and to include extraneous material:)

Mr. PREYER.

Mr. HARRINGTON in four instances.

Mr. DE LA GARZA.

Mr. EVINS of Tennessee in two instances.

Mr. SLACK.

Mr. GONZALEZ in three instances.

Mr. DRINAN.

Mr. MOSS.

Mr. DINGELL in three instances.

Mr. RARICK in three instances.

Mrs. BURKE of California in 10 instances.

Mr. WOLFF in two instances.

Mr. YATRON.

Mrs. MINK.

Mr. BRASCO in six instances.

Mr. ASHLEY.

Mr. DAN DANIEL.

Mr. WILLIAM D. FORD.

Mr. NIX.
Mr. ROUSH.
Mr. TIERNAN in two instances.
Mr. ANDERSON of California in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

ADJOURNMENT TO TUESDAY, OCTOBER 23, 1973

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 54, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, October 23, 1973.

Thereupon (at 3 o'clock and 35 minutes p.m.), pursuant to Senate Concurrent Resolution 54, the House adjourned until Tuesday, October 23, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1461. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 (H. Doc. No. 93–167); to the Committee on Appropriations and ordered to be printed.

1462. A letter from the Federal and State cochairmen, Upper Great Lakes Regional Commission, transmitting the annual report of the Commission for fiscal year 1973, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

1463. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed transfer of NASA lands at the Michoud Assembly Facility, New Orleans, La., to the U.S. Postal Service, pursuant to section 7 of Public Law 93–74; to the Committee on Science and Astronautics.

1464. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed reporting as excess of certain NASA lands at the Corpus Christi tracking station, pursuant to section 7 of Public Law 93–74; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. H.R. 9075. A bill to authorize the disposition of office equipment and furnishings; with amendment (Rept. No. 93–597). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations, Report on information from farmers' income tax returns and invasion of privacy (Rept. No. 93–598). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 10956. A bill Emergency Medical Services Systems Act of 1973 (Rept. No. 93–601). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD. Committee on Government Operations. Report on evaluating the Federal effort to control drug abuse: Improvin the Federal strategy (Rept. No. 93–602). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on the economy and efficiency of international air travel by Government officials (Rept. No. 93–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on income tax return preparation—IRS and the commercial return preparer; IRS taxpayer assistance services (Rept. No. 93–600). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. BOLAND, Mr. ADDABBO, Mr. PEPPER, Mr. NIX, Mr. CLARK, Mr. CHARLES WILSON of Texas, Mr. GREEN of Pennsylvania, Mr. YOUNG of Florida, Mr. FRASER, Mr. KOCH, Mr. CARNEY of Ohio, Mr. SIKES, Mr. KETCHUM, Mr. MCKINNEY, Mr. RYAN, Mr. SARBANES, Mr. HAWKINS, Mr. WOLFF, Mr. MAYNE, Ms. HECKLER of Massachusetts, Mr. BIESTER, Mr. FASCELL, Mr. PIKE, and Ms. BURKE of California):

H.R. 11005. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ANDERSON of California (for himself, Mr. BIAGGI, Mr. CLAY, Mr. DELLUMS, Mr. HARRINGTON, Mr. PODELL, Ms. ABZUG, Mr. STARK, Mr. MOAKLEY, Mr. RINALDO, Mr. REES, Mr. BRASCO, Mr. DOMINICK V. DANIELS, Mr. ST GERMAIN, Mr. MELCHER, Ms. MINK, Mr. STUDDS, Mr. MATSUNAGA, and Mr. ADAMS):

H.R. 11006. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 11007. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $40,000; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 11008. A bill to amend title 38 of the United States Code in order to increase the rates of educational assistance and to otherwise improve the educational assistance programs; to the Committee on Veterans' Affairs.

H.R. 11009. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. DOMINICK V. DANIELS (for himself, Mr. ESCH, Mr. PERKINS, and Mr. QUIE):

H.R. 11010. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

H.R. 11011. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina (for himself and Mr. ROBISON of New York):

H.R. 11012. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. BURTON:

H.R. 11013. A bill to designate certain lands in the Farallon National Wildlife Refuge, San Francisco County, Calif., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 11014. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 11015. A bill to direct the Administrator of the General Services Administration to release a condition contained in a deed conveying certain real property to the city of Lowell, Mass.; to the Committee on Government Operations.

By Mr. DINGELL (for himself, Mr. MAILLIARD, Mr. MCCLOSKEY, Mr. BIAGGI, and Mr. KYROS):

H.R. 11016. A bill to provide additional funds for certain projects relating to fish restoration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS of Colorado:

H.R. 11017. A bill to provide housing for persons in rural areas of the United States on an emergency basis; to the Committee on Banking and Currency.

By Mr. FASCELL:

H.R. 11018. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 11019. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 11020. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. GAYDOS:

H.R. 11021. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. GIBBONS (for himself, Ms. HOLTZMAN, Mr. RINALDO, Mr. SARASIN, and Mr. STOKES):

H.R. 11022. A bill to amend the Accounting and Auditing Act of 1950 to provide for the

audit of certain Federal agencies by the Comptroller General; to the Committee on Government Operations.

By Mr. HANSEN of Idaho:

H.R. 11023. A bill to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture.

By Mr. HASTINGS (for himself and Mr. RANGEL):

H.R. 11024. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances; to the Committee on Interstate and Foreign Commerce.

By Mrs. HOLT (for herself, Mr. KETCHUM, and Mr. BAUMAN):

H.R. 11025. A bill to reestablish November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. STEIGER of Wisconsin, Mr. ZABLOCKI, and Mr. FRASER):

H.R. 11026. A bill to provide for the establishment of an open cities program between the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. CONLAN, Mr. COTTER, Mr. PARRIS, Mr. CAMP, Mr. CRONIN, Mr. BERGLAND, Mr. MARTIN of North Carolina, Mr. PICKLE, Mr. BROWN of California, Mr. MILFORD, Mr. THORNTON, and Mr. GUNTER):

H.R. 11027. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. HECHLER of West Virginia, Mr. BELL, Mr. DAVIS of Georgia, Mr. WYDLER, Mr. DOWNING, Mr. WINN, Mr. FUQUA, Mr. FREY, Mr. SYMINGTON, Mr. HANNA, Mr. ESCH, and Mr. ROE):

H.R. 11028. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. ROSENTHAL (for himself, Mr. ADAMS, Mr. BREAUX, Mr. COUGHLIN, Mr. FISH, Mr. MITCHELL of Maryland, and Mr. STOKES):

H.R. 11029. A bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93-66 shall become effective immediately, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Ms. ABZUG, Mr. STOKES, and Mr. WOLFF):

H.R. 11030. A bill: the Tax and Loan Account Interest Act of 1973; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 11031. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STUDDS (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BAFALIS, Mr. BARRETT, Mr. BAUMAN, Mr. BRASCO, Mr. BYRON, Mr. CLEVELAND, Mr. COTTER, Mr. DOMINICK V. DANIELS, Mr. DAVIS of South Carolina, Mr. DENT, Mr. EDWARDS of California, Mr. GAYDOS, Mr. GETTYS, Mr. GIAIMO, Mr. GINN, Mr. GUNTER, Mr. HELSTOSKI, Mr. HOGAN, Mr. ICHORD, Mr. JONES of North Carolina, Mr. MCSPADDEN, and Mr. MITCHELL of Maryland):

H.R. 11032. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. MOSS, Mr. PODELL, Mr. RODINO, Mr. RUNNELS, Mr. RYAN, Mr. SARASIN, Mr. THOMPSON of New Jersey, Mr. WALDIE, Mr. WOLFF, and Mr. YATRON):

H.R. 11033. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON:

H.R. 11034. A bill to protect the public health and safety by assisting local fire protection districts and departments maintain and improve their firefighting and rescue operations; to the Committee on Science and Astronautics.

By Mr. TEAGUE of Texas (for himself, Mr. DAVIS, of Georgia, Mr. MOSHER, Mr. HECHLER of West Virginia, Mr. BELL, Mr. DOWNING, Mr. WYDLER, Mr. FUQUA, Mr. WINN, Mr. SYMINGTON, Mr. FREY, Mr. HANNA, Mr. GOLDWATER, Mr. FLOWERS, Mr. ESCH, Mr. ROE, Mr. CRONIN, Mr. COTTER, Mr. MARTIN of North Carolina, Mr. MCCORMACK, Mr. BERGLAND, Mr. PICKLE, Mr. BROWN of California, Mr. MILFORD, and Mr. GUNTER):

H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the Committee on Science and Astronautics.

By Mr. DAVIS of Georgia (for himself, Mr. BLACKBURN, Mr. BLATNIK, Mr. CASEY of Texas, Mr. COUGHLIN, Mr. DRINAN, Mr. FRASER, Mr. GIBBONS, Mr. HELSTOSKI, Mr. HOSMER, Mr. ICHORD, Mr. MCKINNEY, Mr. O'HARA, Mr. PETTIS, Mr. PODELL, Mr. QUIE, Mr. ROBISON of New York, Mr. ROSENTHAL, Mr. TIERNAN, Mr. WON PAT, and Mr. MATSUNGA):

H.R. 11036. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the Committee on Science and Astronautics.

By Mr. WOLFF (for himself, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. CHISHOLM, Mr. COLLIER, Mr. DERWINSKI, Mr. FAUNTROY, Mr. FRASER, Mrs. GRASSO, Mr. HARRINGTON, Mr. MOSS, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. STARK, Mr. WHITEHURST, Mr. YATRON, Mrs. HECKLER of Massachusetts, Mr. MITCHELL of Maryland, and Mr. VANDER JAGT):

H.R. 11037. A bill to amend title 39, United States Code, to prohibit the mailing of knives to persons under the age of 18 years, and for other purposes; to the Committee on Post Office and Civil Services.

By Mr. YOUNG of Georgia:

H.R. 11038. A bill to suspend for a 1-year period the duty on certain carboxymethyl cellulose salts; to the Committee on Ways and Means.

By Mr. YOUNG of South Carolina (for himself and Mr. DAVIS of South Carolina):

H.R. 11039. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties; to the Committee on Agriculture.

By Mr. ARCHER:

H.J. Res. 778. A Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. BEVILL, Mr. DAN DANIEL, Mr. SCHERLE, Mr. TAYLOR of North Carolina, Mr. THONE, Mr. JONES of Oklahoma, Mr. JOHNSON of Colorado, Mr. MAYNE, Mr. HELSTOSKI, Mr. MAZZOLI, Mr. MEEDS, Mr. DUNCAN, Mr. WOLFF, Mr. WHITEHURST, Mr. FISHER, Mr. MITCHELL of Maryland, Mr. ESHLEMAN, Mr. STUBBLEFIELD, Mr. LENT, Mr. BELL, Mr. CHARLES WILSON of Texas, Mr. QUIE, Mr. SIKES, and Mr. NIX):

H.J. Res. 779. A Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. STRATTON, Mr. RINALDO, Mr. CRONIN, Mr. DENHOLM, Mr. PICKLE, Mr. YATRON, Mr. RUNNELS, Mr. NICHOLS, Mr. PATMAN, and Mr. WON PAT):

H.J. Res. 780. A Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.J. Res. 781. A Joint resolution to provide for the issuance of a special postage stamp in commemoration of Gugliemo Marconi; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.J. Res. 782. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. SYMMS:

H.J. Res. 783. Joint resolution to urge the preservation of Israeli sovereignty and territorial integrity and continued friendly relationship with the Arab nations in the Middle East through a balanced settlement of the present conflict; to the Committee on Foreign Affairs.

By Mr. BARRETT:

H. Con. Res. 357. Concurrent resolution expressing the sense of Congress that the President should curtail exports of goods, materials, and technology to any nation that restricts the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. BRADEMAS (for himself, Mr. RINALDO, Mr. ROSENTHAL, and Mr. STOKES):

H. Con. Res. 358. Concurrent resolution expressing the sense of the Congress regarding the free emigration and expression of ideas by citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. FISH (for himself and Mr. HARRINGTON):

H. Con. Res. 359. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, Mr. HELSTOSKI, Mr. NIX, Mr. BADILLO, Mr. SEIBERLING, Mr. REES, Mr. BELL, Mr. VEYSEY, Mr. CORMAN, Mr. WON PAT, Mr. HOGAN, Mr. BROWN of California, Mr. COUGHLIN, Mr. RANGEL, Mr. EILBERG, Mr. CHARLES WILSON of Texas, Mr. RONCALLO of New York, Mr. ASHLEY, Mr. YOUNG of Georgia, Mr. EDWARDS of California, Mr. FOLEY, Mr. BRASCO, Mr. WALDIE, Mr. MOAKLEY, and Mr. FULTON):

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, and Mr. BRECKINRIDGE):

H. Con. Res. 361. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. YATES, Mr. JAMES V. STANTON, Mr. HAYS, Ms. ABZUG, Mr. PRICE of Illinois, Mr. CHARLES H. WILSON of California, Mr. VANIK, Mr. BURKE of Massachusetts, Mr. ANDERSON of California, Mr. BURTON, Mr. LONG of Maryland, Mr. EVANS of Colorado, Mr. KOCH, Mr. GIAIMO, Mr. SISK, Mr. MORGAN, Mr. BINGHAM, Mr. RONCALIO of Wyoming, Mr. REES, Mr. MEEDS, Mr. WOLFF, Mr. FASCELL, Mr. ROSTENKOWSKI, and Mrs. GRASSO):

H. Res. 613. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. ADAMS, Mr. ADDABBO, Mr. ALEXANDER, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. ARCHER, Mr. ASHLEY, Mr. ASPIN, Mr. BADILLO, Mr. BAFALIS, Mr. BARRETT, Mr. BELL, Mr. BIAGGI, Mr. BLATNIK, Mrs. BOGGS, Mr. BOLAND, Mr. BRADEMAS, Mr. BRASCO, Mr. BRECKINRIDGE, Mr. BRINKLEY, Mr. BROOMFIELD, and Mr. BROWN of California):

H. Res. 614. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. BURKE of Florida, Mrs. BURKE of California, Mr. CAREY of New York, Mr. CARNEY of Ohio, Mr. CASEY of Texas, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. CLANCY, Mr. CLARK, Mr. DON H. CLAUSEN, Mr. CLAY, Mr. COLLIER, Mrs. COLLINS of Illinois, Mr. CONABLE, Mr. CONTE, Mr. CORMAN, Mr. COTTER, Mr. COUGHLIN, Mr. CRANE, Mr. CRONIN, Mr. CULVER, Mr. DOMINICK V. DANIELS, Mr. DANIELSON, and Mr. DAVIS of Georgia):

H. Res. 615. A resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. DAVIS of South Carolina, Mr. DE LA GARZA, Mr. DELANEY, Mr. DELLUMS, Mr. DENT, Mr. DERWINSKI, Mr. DIGGS, Mr. DONOHUE, Mr. DORN, Mr. DRINAN, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. FISH, Mr. FLOOD, Mr. FLOWERS, Mr. FOLEY, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. FUQUA, Mr. GAYDOS, Mr. GILMAN, and Mr. GINN):

H. Res. 616. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. GOLDWATER, Mr. GONZALEZ, Mr. GRAY, Mr. GREEN of Pennsylvania, Mrs. GRIFFITHS, Mr. GROVER, Mr. GUDE, Mr. GUNTER, Mr. GUYER, Mr. HALEY, Mr. HANLEY, Mr. HANRAHAN, Mr. HARRINGTON, Mr. HASTINGS, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HEINZ, Mr. HELSTOSKI, Mr. HICKS, Mr. HILLIS, Mr. HOLIFIELD, Miss HOLTZMAN, and Mr. HORTON):

H. Res. 617. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. HOWARD, Mr. HUBER, Mr. HUDNUT, Mr. HUNT, Mr. JOHNSON of Pennsylvania, Mr. JOHNSON of California, Miss JORDAN, Mr. KARTH, Mr. KEMP, Mr. KING, Mr. KLUCZYNSKI, Mr. KYROS, Mr. LEGGETT, Mr. LEHMAN, Mr. LENT, Mr. LITTON, Mr. MCCLORY, Mr. MCCORMACK, Mr. MCEWEN, Mr. MCFALL, Mr. MCKINNEY, Mr. MACDONALD, Mr. MADDEN, and Mr. MAILLIARD):

H. Res. 618. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. MATSUNAGA, Mr. MAYNE, Mr. METCALFE, Mr. MEZVINSKY, Mr. MINISH, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. MYERS, Mr. NEDZI, Mr. NIX, Mr. O'BRIEN, Mr. O'HARA, Mr. PASSMAN, Mr. PATTEN, Mr. PEPPER, Mr. PETTIS, Mr. PEYSER, Mr. PIKE, and Mr. PODELL):

H. Res. 619. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. PREYER, Mr. PRITCHARD, Mr. QUIE, Mr. RAILSBACK, Mr. RANGEL, Mr. REID, Mr. REUSS, Mr. RHODES, Mr. RINALDO, Mr. RODINO, Mr. ROE, Mr. ROGERS, Mr. RONCALLO of New York, Mr. ROONEY of Pennsylvania, Mr. ROSE, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROY, Mr. ROYBAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SARASIN, Mr. SARBANES, and Mr. SATTERFIELD):

H. Res. 620. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. SCHERLE, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. SHIPLEY, Mr. SLACK, Mr. SMITH of Iowa, Mr. SPENCE, Mr. STARK, Mr. STEED, Mr. STEELE, Mr. STEELMAN, Mr. STEIGER of Wisconsin, Mr. STOKES, Mr. STRATTON, Mr. STUDDS, Mr. SYMINGTON, Mr. TEAGUE of Texas, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. UDALL, Mr. VAN DEERLIN, Mr. VEYSEY, Mr. VIGORITO, and Mr. WALDIE):

H. Res. 621. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. WALSH, Mr. WILLIAMS, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WYATT, Mr. WYDLER, Mr. WYMAN, Mr. YATRON, Mr. YOUNG of Georgia, Mr. YOUNG of Illinois, and Mr. DE LUGO):

H. Res. 622. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr RANDALL:

H. Res. 623. Resolution expressing the sense of the House of Representatives with respect to U.S. involvement in the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. YOUNG of Illinois:

H. Res. 624. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

330. The SPEAKER presented a petition of the Texas Shrimp Association, Brownsville, Tex., relative to protection of the American shrimp industry's fishing rights in the Gulf of Mexico; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

JERRY FORD—A LEADER

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. ARENDS. Mr. Speaker, the spontaneous acclaim in the East Room of the White House when the President announced his nomination of Congressman GERALD R. FORD for Vice President is typical of the enthusiastic reaction across the Nation. This choice is an excellent one.

The President had previously noted three basic criteria for the assignment. First, the nominee must be qualified to be President. After all, the Vice President is only a heartbeat away. Second, he must share the views of the President on the critical questions of foreign policy and national defense. Finally, he must be able to work with Congress on programs affecting the national interest. JERRY FORD has all these qualifications—and more.

It has been my privilege to know JERRY FORD throughout all of his 25 years in the Congress. In his job as minority leader and mine as minority whip, we have worked even more closely for the last 8 years. You get to know a lot about a man in that time. Observing him in this day-to-day relationship—often under heavy pressure, called upon many times to make quick judgments